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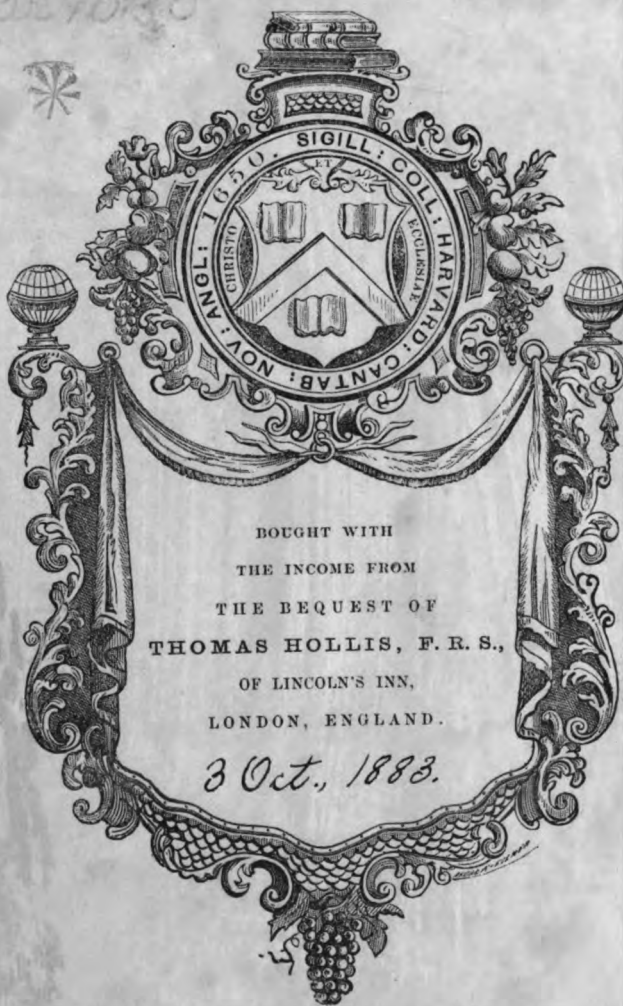
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# BRITISH AND FOREIGN

## State Papers.

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---

*My Lords and Gentlemen,*

It is with much satisfaction that I again resort to the advice and assistance of my Parliament.

My relations with all Foreign Powers continue to be of a cordial character.

The insurrectionary movement which, during the last 6 months, has been maintained in the Turkish Provinces of *Bosnia* and *Herzegovina*, and which the troops of the Sultan have, up to the present time, been unable to repress, has excited the attention and interest of the great European Powers. I have considered it my duty not to stand aloof from the efforts now being made by allied and friendly Governments to bring about a pacification of the disturbed districts, and I have accordingly, while respecting the independence of the Porte, joined in urging on the Sultan the expediency of adopting such measures of administrative reform as may remove all reasonable cause of discontent on the part of his Christian subjects.

I have agreed to purchase, subject to your sanction, the shares which belonged to the Khedive of *Egypt* in the Suez Canal, and I rely with confidence on your enabling me to complete a transaction in which the public interests are deeply involved.

The representations which I addressed to the Chinese Government, as to the attack made in the course of last year on the expedition sent from *Burma* to the Western Provinces of *China*, have been received in a friendly spirit. The circumstances of that lamentable outrage are now the subject of an inquiry, in which I have thought it right to request that a member of my Diplomatic Service should take part. I await the result of this inquiry in the firm conviction that it will be so conducted as to lead to the discovery and punishment of the offenders.

Papers on all these subjects will be laid before you.

I am deeply thankful for the uninterrupted health which my dear son, the Prince of Wales, has enjoyed during his journey  
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through *India*. The hearty affection with which he has been received by my Indian subjects of all classes and races assures me that they are happy under my rule and loyal to my throne. At the time that the direct Government of my Indian Empire was transferred to the Crown, no formal addition was made to the style and titles of the Sovereign. I have deemed the present a fitting opportunity for supplying this omission, and a Bill upon the subject will be presented to you.

The humane and enlightened policy consistently pursued by this country in putting an end to slavery within her own dependencies, and in suppressing the Slave Trade throughout the world, makes it important that the action of British national ships in the territorial waters of Foreign States should be in harmony with these great principles. I have, therefore, given directions for the issue of a Royal Commission to inquire into all Treaty engagements and other international obligations bearing upon this subject, and all instructions from time to time issued to my naval officers, with a view to ascertain whether any steps ought to be taken to secure for my ships and their Commanders abroad greater power for the maintenance of the right of personal liberty.

A Bill will be laid before you for punishing slave-traders who are subjects of Native Indian Princes.

The affairs of my Colonial Empire, the general prosperity of which has continued to advance, have received a large share of my attention. Papers of importance and interest will soon be in your hands showing the proceedings with respect to a Conference of the South African Colonies and States.

The murder of a high officer of the Straits Settlements whilst acting as Resident in a neighbouring Malay State, and the disorders ensuing on that outrage, have demanded the interference of my troops. I trust that the operations, which have been ably and energetically conducted, though not without the loss of some valuable lives, have restored order, and re-established the just influence and authority of this country.

*Gentlemen of the House of Commons,*

I have directed the Estimates of the year to be prepared and presented to you without delay.

*My Lords and Gentlemen,*

Bills for regulating the Ultimate Tribunal of Appeal for the United Kingdom, and for the amendment of the Merchant Shipping Laws, will be immediately submitted to you.

Legislation will be proposed relating to the Universities and to Primary Education.

Your attention will be called also to the Acts relating to the Inclosure of Commons, and to a measure for promoting economy and efficiency in the management of Prisons, and at the same time effecting a relief of local burthens.

Other important measures, as the time of the Session permits, will be introduced to your notice; and I pray that your deliberations may, under the Divine blessing, result in the happiness and contentment of my people.

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*SPEECH of the Queen, on the Closing of the British Parliament.—Westminster, August 15, 1876.*

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*My Lords and Gentlemen,*

I AM happy to be able to release you from your attendance in Parliament.

My relations with all Foreign Powers are of a friendly character, and I look forward confidently to the maintenance of the good understanding which now prevails.

The efforts which, in common with other Powers, I have made to bring about a settlement of the differences unfortunately existing between the Porte and its Christian subjects in *Bosnia* and *Herzegovina* have hitherto been unsuccessful, and the conflict begun in those Provinces has been extended to *Servia* and *Montenegro*. Should a favourable opportunity present itself, I shall be ready, in concert with my allies, to offer my good offices for the purpose of mediation between the contending parties; bearing in mind alike the duties imposed upon me by Treaty obligations and those which arise from considerations of humanity and policy.

A difference has arisen between my Government and that of the *United States* as to the proper construction of that Article of the Treaty of 9th August, 1842, which relates to the mutual surrender of persons accused of certain offences. The inconveniences to both countries which would follow on a cessation of the practice of extradition are great and obvious, and I entertain the hope that a new arrangement may soon be arrived at, by which this matter may be placed on a satisfactory footing.

I am deeply thankful that my dear son, the Prince of Wales, has returned in good health from his lengthened journey through *India*. His presence in that part of my dominions has given occasion for the expression of feelings of loyalty and devotion to my throne which I highly value.

In pursuance of the power conferred upon me, I have, by

Proclamation, assumed the title of Empress of *India*. In making, as regards *India*, this addition to the ancient style of my Crown, I have desired to record, on an occasion of peculiar interest to me, the earnest solicitude which I feel for the happiness of my Indian people.

I trust that peace and order are re-established in the *Malay Peninsula*, and that the rulers of the native States will cheerfully accept the recommendations and assistance of my officers for the better government of their territories.

The visit to this country of the President of the *Orange Free State* has resulted in a satisfactory settlement of the long controversy which has existed with reference to the Province of *Griqualand*, and an important advance has thus been made towards that friendly and cordial co-operation of neighbouring States which is essential to the interests of *South Africa*.

The Conference on South African affairs, with regard to which papers have already been laid before you, is now sitting in London, and cannot fail to contribute largely to the settlement of various important questions.

*Gentlemen of the House of Commons,*

I thank you for the liberal supplies which you have voted for the public service.

The additional outlay required to place my army and navy upon a proper footing of efficiency, and the check which has been given to the advance of the revenue by the comparative stagnation of trade, have compelled me to propose to you an increase of taxation. I desire to acknowledge the readiness with which you have responded to that appeal, and at the same time to assure you that no effort shall be wanting to keep the expenditure of the country within the bounds of moderation.

I notice with satisfaction the increasing attention paid by you to the question of local finance, and your greater watchfulness over the cost of services which are every year becoming more important, and the consideration of which ought not to be dis severed from that of Imperial expenditure.

*My Lords and Gentlemen,*

The Act which you have passed for the amendment of the laws relating to Merchant Shipping will, I trust, promote the safety of our ships and seamen, without imposing unnecessary restrictions upon the conduct of a service in the prosperity of which our national interests are in so many ways involved.

The measure for making further provision respecting the elementary education of the country is one of great importance, and

will complete the work on which successive Parliaments have for many years been engaged, by securing a due attendance at school of the children for whose benefit the means and the machinery of education have been so largely supplied.

I have readily given my assent to a Bill for facilitating the Regulation and Improvement of Commons, and for making such amendments in the Inclosure Acts as will, I hope, tend to the preservation of open spaces in the neighbourhood of large towns and to the increase of the health and comfort of my people.

The serious evils arising from the Pollution of Rivers have long been the subject of public complaint, and I rejoice that you have passed a measure which, by checking those evils, will improve the sanitary condition of the country.

I have observed with much satisfaction the arrangements which you have made for maintaining and increasing the efficiency of the Tribunal of Ultimate Appeal for the United Kingdom, by which, at the same time, the Judicial Committee of my Privy Council and my Intermediate Court of Appeal will be improved and strengthened.

I anticipate the best results from the Act which you have passed providing safeguards against painful experiments upon living animals.

I regret that pressure of other business has prevented the completion of your labours upon several measures of much importance. Among these I specially notice the Bills relating to the Universities of Oxford and Cambridge, to the Administration of Prisons, and to the Law affecting Maritime Contracts. I trust, however, that the attention which you have given to these questions in the past Session may facilitate their settlement in the next.

In bidding you farewell, I pray that the blessing of Providence may rest on your recent labours, and accompany you in the discharge of all your duties.

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*TREATY between Great Britain and France, for the Mutual Surrender of Fugitive Criminals.—Signed at Paris, August 14, 1876.*

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. [Ratifications exchanged at Paris, April 8, 1878.]

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HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the President of the French Republic, having recognized the

SÀ Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, et le Président de la République Française, ayant reconnu l'insuffisance des

insufficiency of the provisions of the Treaty concluded on the 13th of February, 1843,\* between Great Britain and France for the reciprocal extradition of criminals, have resolved, by common accord, to replace it by another and more complete Treaty, and have named as their respective Plenipotentiaries for this purpose, that is to say :

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honourable Richard Bickerton Pemell, Lord Lyons, a Peer of the United Kingdom of Great Britain and Ireland, Knight Grand Cross of the Most Honourable Order of the Bath, one of Her Britannic Majesty's Most Honourable Privy Council, and Her said Majesty's Ambassador Extraordinary and Plenipotentiary to the Government of the French Republic, &c. ;

And the President of the French Republic, M. le Duc Decazes, Member of the Chamber of Deputies, Minister for Foreign Affairs, Grand Officer of the National Order of the Legion of Honour, &c. ;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following Articles :—

ART. I. The High Contracting Parties engage to deliver up to each other those persons who are being proceeded against or who have been convicted of a crime committed in the territory of

dispositions de la Convention conclue le 13 Février, 1843,\* entre la Grande Bretagne et la France, pour l'extradition réciproque des malfaiteurs, ont résolu, d'un commun accord, de la remplacer par une autre Convention plus complète, et ont nommé, à cet effet, pour leurs Plénipotentiaires respectifs :

Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, le Très-Honorable Richard Bickerton Pemell, Lord Lyons, Pair du Royaume Uni, Chevalier Grand-Croix du Très-Honorable Ordre du Bain, Membre du Très-Honorable Conseil Privé de Sa Majesté Britannique, Son Ambassadeur Extraordinaire et Plénipotentiaire près le Gouvernement de la République Française, &c. ;

Et le Président de la République Française, M. le Duc Decazes, Membre de la Chambre des Députés, Ministre des Affaires Étrangères, Grand Officier de l'Ordre National de la Légion d'Honneur, &c. ;

Lesquels, après s'être communiqué leurs pleins pouvoirs respectifs, trouvés en bonne et due forme, sont convenus des Articles suivants :—

ART. I. Les Hautes Parties Contractantes s'engagent à se livrer réciproquement les individus poursuivis ou condamnés pour un crime commis sur le territoire de l'autre dans les cir-

the one Party, and who shall be found within the territory of the other Party, under the circumstances and conditions stated in the present Treaty.

II. Native-born or naturalized subjects of either country are excepted from extradition. In the case, however, of a person who, since the commission of the crime or offence of which he is accused, or for which he has been convicted, has become naturalized in the country whence the surrender is sought, such naturalization shall not prevent the pursuit, arrest, and extradition of such person, in conformity with the stipulations of the present Treaty.

III. The crimes for which the extradition is to be granted are the following:

1. Counterfeiting or altering money, and uttering counterfeit or altered money.

2. Forgery, counterfeiting or altering and uttering what is forged, counterfeited, or altered.

3. Murder (including assassination, parricide, infanticide, and poisoning) or attempt to murder.

4. Manlaughter.

5. Abortion.

6. Rape.

7. Indecent assault, acts of indecency even without violence

constances et sous les conditions prévues par le présent Traité.

II. Les nationaux respectifs, soit d'origine, soit par l'effet de la naturalisation, sont exceptés de l'extradition; toutefois, s'il s'agit d'une personne qui, depuis le crime ou le délit dont elle est accusée ou pour lequel elle a été condamnée, aurait obtenu la naturalisation dans le pays requis, cette circonstance n'empêchera pas la recherche, l'arrestation et l'extradition de cette personne, conformément aux stipulations du présent Traité.

III. Les crimes et délits pour lesquels il y aura lieu à extradition sont les suivants :

1. Contrefaçon ou altération de monnaies contrefaites ou altérées.

2. Faux ou usage de pièces fausses; contrefaçon des sceaux de l'État, poinçons, timbres et marques publiques, ou usage des dits sceaux, poinçons, timbres et marques publics contrefaits.

3. Meurtre (assassinat, parricide, infanticide, empoisonnement), ou tentative de meurtre.

4. Coups et blessures volontaires ayant occasionné la mort, sans intention de la donner; homicide par imprudence, négligence, maladresse, inobservation des règlements.

5. Avortement.

6. Viol.

7. Attentat à la pudeur avec violence; attentat à la pudeur



upon the person of a girl under 12 years of age.

8. Child-stealing, including abandoning, exposing, or unlawfully detaining.

9. Abduction.

10. Kidnapping and false imprisonment.

11. Bigamy.

12. Wounding or inflicting grievous bodily harm.

13. Assaulting a magistrate, or peace or public officer.

14. Threats by letter or otherwise with intent to extort.

15. Perjury or subornation of perjury.

16. Arson.

17. Burglary or house-breaking, robbery with violence.

18. Fraud by a bailee, banker, agent, factor, trustee, or director, or member, or public officer of any company made criminal by any Act for the time being in force.

19. Obtaining money, valuable security, or goods by false pretences, including receiving any chattel, money, valuable security, or other property, knowing the same to have been unlawfully obtained.

même sans violence sur la personne d'une fille âgée de moins de 12 ans.

8. Vol, abandon, exposition ou séquestration illégale d'un enfant.

9. Enlèvement d'un mineur au-dessous de 14 ans, ou d'une fille au-dessous de 16 ans.

10. Séquestration ou détention illégale.

11. Bigamie.

12. Actes de violence ou sévices ayant causé des blessures graves.

13. Violences contre les magistrats et officiers publics dans l'exercice de leurs fonctions.

14. Menaces écrites ou verbales faites en vue d'extorquer de l'argent ou des valeurs.

15. Faux témoignage, subornation de témoins d'experts ou d'interprètes.

16. Incendie volontaire.

17. Vols avec violence, effraction, escalade, ou au moyen de fausses clefs.

18. Abus de confiance ou détournement par un banquier, commissionnaire, administrateur, tuteur, curateur, liquidateur, syndic, officier ministériel, directeur, membre ou employé d'une société, ou par toute autre personne.

19. Escroquerie ou recel frauduleux d'argent, valeurs ou objets mobiliers provenant d'une escroquerie. Publications faites de mauvaise foi, comptes-rendus écrits ou imprimés mensongers faits dans le but de tromper les actionnaires d'une société, de provoquer des souscriptions, ou

20. Embezzlement or larceny, including receiving any chattel, money, valuable security, or other property, knowing the same to have been embezzled or stolen.

21. Crimes against Bankruptcy Law.

22. Any malicious act done with intent to endanger persons in a railway train.

23. Malicious injury to property, if the offence is indictable.

24. Crimes committed at sea—

(a.) Any act of depredation or violence by the crew of a British or French vessel, against another British or French vessel, or by the crew of a foreign vessel not provided with a regular commission, against British or French vessels, their crews or their cargoes.

(b.) The fact by any person, being or not one of the crew of a vessel, of giving her over to pirates.

(c.) The fact by any person, being or not one of the crew of a vessel, of taking possession of such vessel by fraud or violence.

(d.) Sinking or destroying a vessel at sea, or attempting or conspiring to do so.

(e.) Revolt or conspiracy to revolt by two or more persons on board a ship on the high seas against the authority of the master.

25. Dealing in slaves in such

de déterminer des tiers à prêter de l'argent à la société.

20. Détournement frauduleux, vol ou recel frauduleux de tout objet, argent ou valeur, provenant de vol ou de détournement.

21. Banqueroute frauduleuse.

22. Tout acte commis avec intention de mettre en danger la vie de personnes se trouvant dans un train de chemin de fer.

23. Destruction ou dégradation de toute propriété mobilière ou immobilière, punies de peines criminelles ou correctionnelles.

24. Crimes commis en mer :—

(a.) Tout acte de déprédation ou de violence commis par l'équipage d'un navire Britannique ou Français contre un autre navire Britannique ou Français, ou par l'équipage d'un navire étranger non pourvu de commission régulière, contre des navires Britanniques ou Français, leurs équipages ou leurs chargements.

(b.) Le fait par tout individu, faisant ou non partie de l'équipage d'un bâtiment de mer, de le livrer aux pirates.

(c.) Le fait par tout individu, faisant partie ou non de l'équipage d'un navire ou bâtiment de mer, de s'emparer du dit bâtiment par fraude ou violence.

(d.) Destruction, submersion, échouement ou perte d'un navire, dans une intention coupable.

(e.) Révolte par deux ou plusieurs personnes, à bord d'un navire en mer, contre l'autorité du capitaine ou du patron.

25. Traite des esclaves, telle

manner as to constitute an offence against the laws of both countries.

The extradition is also to take place for participation, either as principals or accessories, in any of the aforesaid crimes, provided such participation be punishable by the laws of both the Contracting Parties.

IV. The present Treaty shall apply to crimes and offences committed prior to the signature of the Treaty; but a person surrendered shall not be tried for any crime or offence committed in the other country before the extradition, other than the crime for which his surrender has been granted.

V. No accused or convicted person shall be surrendered, if the offence in respect of which his surrender is demanded shall be deemed by the party upon which it is made to be a political offence, or to be an act connected with (*connexe à*) such an offence, or if he prove to the satisfaction of the Police Magistrate or of the Court before which he is brought on *habeas corpus*, or of the Secretary of State, that the requisition for his surrender has, in fact, been made with a view to try or to punish him for an offence of a political character.

VI. On the part of the French Government, the extradition shall take place in the following manner in France:—

The Ambassador or other Diplomatic Agent of Her Britannic Majesty in France shall send to the Minister for Foreign Affairs,

qu'elle est définie et punie par les lois des deux pays.

Sont comprises dans les qualifications des actes donnant lieu à extradition, la complicité des faits ci-dessus mentionnés, lorsqu'elles sont punies par la législation des deux pays.

IV. Le présent Traité s'applique aux crimes et délits antérieurs à sa signature; mais la personne qui aura été livrée ne sera poursuivie pour aucun délit commis dans l'autre pays avant l'extradition, autre que celui pour lequel sa remise a été accordée.

V. Aucune personne accusée ou condamnée ne sera livrée si le délit pour lequel l'extradition est demandée est considéré par la partie requise comme un délit politique ou un fait connexe à un semblable délit, ou si la personne prouve, à la satisfaction du Magistrat de Police ou de la Cour devant laquelle elle est amenée par l'*habeas corpus*, ou du Secrétaire d'État, que la demande d'extradition a été faite en réalité dans le but de la poursuivre ou de la punir pour un délit d'un caractère politique.

VI. De la part du Gouvernement Français, l'extradition aura lieu ainsi qu'il suit, en France:—

L'Ambassadeur ou autre Agent Diplomatique de Sa Majesté Britannique en France enverra au Ministre des Affaires

in support of each demand for extradition, an authenticated and duly legalized copy either of a certificate of conviction, or of a warrant of arrest, against a person accused, clearly setting forth the nature of the crime or offence on account of which the fugitive is being proceeded against. The judicial document thus produced shall be accompanied by a description of the person claimed, and by any other information which may serve to identify him.

These documents shall be communicated by the Minister for Foreign Affairs to the Keeper of the Seals, Minister of Justice, who, after examining the claim for surrender, and the documents in support thereof, shall report thereon immediately to the President of the Republic; and, if there is reason for it, a Decree of the President will grant the extradition of the person claimed, and will order him to be arrested and delivered to the British authorities.

In consequence of this Decree, the Minister of the Interior shall give orders that search be made for the fugitive criminal, and, in case of his arrest, that he be conducted to the French frontier, to be delivered to the person authorized by Her Britannic Majesty's Government to receive him.

Should it so happen that the documents furnished by the British Government with the view of establishing the identity of the fugitive criminal, and that

Étrangères, à l'appui de chaque demande d'extradition, l'expédition authentique et dûment légalisée, soit d'un certificat de condamnation, soit d'un mandat d'arrêt, contre une personne inculpée ou accusée, faisant clairement connaître la nature du crime ou du délit à raison duquel le fugitif est poursuivi. Le document judiciaire ainsi produit sera accompagné du signalement et des autres renseignements pouvant servir à constater l'identité de l'individu réclamé.

Ces documents seront communiqués par le Ministre des Affaires Étrangères au Garde des Sceaux, Ministre de la Justice, qui, après examen de la demande et des pièces à l'appui, en fera un rapport au Président de la République; et, s'il y a lieu, un Décret Présidentiel accordera l'extradition de l'individu réclamé et ordonnera qu'il soit arrêté et livré aux autorités Britanniques.

En conséquence de ce Décret, le Ministre de l'Intérieur donnera des ordres pour que l'individu poursuivi soit recherché et, en cas d'arrestation, conduit jusqu'à la frontière de France pour être livré à la personne chargée de le recevoir de la part du Gouvernement de Sa Majesté Britannique.

S'il arrivait que les documents produits par le Gouvernement Britannique pour constater l'identité, et les renseignements recueillis par les Agents de la

the particulars collected by the agents of the French Police with the same view, be considered insufficient, notice shall be immediately given to the Ambassador or other Diplomatic Agent of Her Britannic Majesty in France, and the fugitive person, if he has been arrested, shall remain in custody until the British Government has been able to furnish further evidence in order to establish his identity or to throw light on other difficulties in the examination.

VII. In the dominions of Her Britannic Majesty, other than the colonies or foreign possessions of Her Majesty, the manner of proceeding shall be as follows:—

(A.) In the case of a person accused:—The requisition for the surrender shall be made to Her Britannic Majesty's Principal Secretary of State for Foreign Affairs by the Ambassador or other Diplomatic Agent of the President of the French Republic, accompanied by a warrant of arrest or other equivalent judicial document, issued by a Judge or Magistrate duly authorized to take cognizance of the acts charged against the accused in France, together with duly authenticated depositions or statements taken on oath before such Judge or Magistrate, clearly setting forth the said acts, and containing a description of the person claimed, and any particulars which may serve to identify him. The said Secretary of State shall transmit such documents to Her Britannic Majesty's Principal

Police Française pour le même objet, fussent reconnus insuffisants, avis en serait donné immédiatement à l'Ambassadeur ou autre Agent Diplomatique de Sa Majesté Britannique en France, et l'individu poursuivi, s'il a été arrêté, continuerait à être détenu en attendant que le Gouvernement Britannique ait pu produire de nouveaux éléments de preuve pour constater l'identité ou éclaircir d'autres difficultés d'examen.

VII. Dans les États de Sa Majesté Britannique, autres que les colonies ou possessions étrangères, il sera procédé ainsi qu'il suit:—

(A.) S'il s'agit d'une personne accusée:—La demande sera adressée au Premier Secrétaire d'État de Sa Majesté Britannique pour les Affaires Étrangères, par l'Ambassadeur ou autre Agent Diplomatique du Président de la République Française. À cette demande seront joints un mandat d'arrêt ou autre document judiciaire équivalent, délivré par un Juge ou Magistrat dûment autorisé à prendre connaissance des actes imputés à l'inculpé en France, ainsi que les dépositions authentiques ou les déclarations faites sous serment devant ce Juge ou Magistrat, énonçant clairement les dits actes et contenant, outre le signalement de la personne réclamée, toutes les particularités qui pourraient servir à établir son identité. Le dit Secrétaire d'État transmettra ces docu-

Secretary of State for the Home Department, who shall then, by order under his hand and seal, signify to some Police Magistrate in London that such requisition has been made, and require him, if there be due cause, to issue his warrant for the apprehension of the fugitive.

On the receipt of such order from the Secretary of State, and on the production of such evidence as would, in the opinion of the Magistrate, justify the issue of the warrant if the crime had been committed in the United Kingdom, he shall issue his warrant accordingly.

When the fugitive shall have been apprehended, he shall be brought before the Police Magistrate who issued the warrant, or some other Police Magistrate in London. If the evidence to be then produced shall be such as to justify, according to the law of England, the committal for trial of the prisoner, if the crime of which he is accused had been committed in England, the Police Magistrate shall commit him to prison to await the warrant of the Secretary of State for his surrender; sending immediately to the Secretary of State a certificate of the committal and a report upon the case.

After the expiration of a period from the committal of the prisoner, which shall never be less than 15 days, the Secretary of State shall, by order under

ments au Premier Secrétaire d'État de Sa Majesté Britannique pour le Département des Affaires Intérieures, qui, par un ordre de sa main et muni de son sceau, signifiera à un Magistrat de Police de Londres que la demande d'extradition a été faite, et le requerra, s'il y a lieu, de délivrer un mandat pour l'arrestation du fugitif.

À la réception de cet ordre et sur la production de telle preuve qui, dans son opinion, justifierait l'émission du mandat, si le fait avait été commis dans le Royaume Uni, le Magistrat délivrera le mandat requis.

Lorsque le fugitif aura été arrêté, on l'amènera devant le Magistrat de Police de qui sera émané le mandat, ou devant un autre Magistrat de Police de Londres. Si la preuve produite est de nature à justifier, selon la loi Anglaise, la mise en jugement du prisonnier dans le cas où le fait dont il est accusé aurait été commis en Angleterre, le Magistrat de Police l'enverra en prison pour attendre le mandat du Secrétaire d'État nécessaire à l'extradition, et il adressera immédiatement à ce dernier une attestation de l'emprisonnement avec un rapport sur l'affaire.

Après l'expiration d'un certain temps, qui ne pourra jamais être moindre de 15 jours depuis l'emprisonnement de l'accusé, le Secrétaire d'État, par un ordre de

his hand and seal, order the fugitive criminal to be surrendered to such person as may be duly authorized to receive him on the part of the President of the French Republic.

(B.) In the case of a person convicted:—The course of proceeding shall be the same as in the case of a person accused, except that the warrant to be transmitted by the Ambassador or other Diplomatic Agent in support of his requisition shall clearly set forth the crime of which the person claimed has been convicted, and state the fact, place, and date of his conviction. The evidence to be produced before the Police Magistrate shall be such as would, according to the law of England, prove that the prisoner was convicted of the crime charged.

(C.) Persons convicted by judgment in default or *arrêt de contumace*, shall be in the matter of extradition considered as persons accused, and, as such, be surrendered.

(D.) After the Police Magistrate shall have committed the accused or convicted person to prison to await the order of a Secretary of State for his surrender, such person shall have the right to apply for a writ of *habeas corpus*; if he should so apply, his surrender must be deferred until after the decision of the Court upon the return to the writ, and even then can only take place if the decision is adverse to the applicant. In the

sa main et muni de son sceau, ordonnera que le fugitif soit livré à telle personne qui sera dûment autorisée à le recevoir au nom du Président de la République Française.

(B.) S'il s'agit d'une personne condamnée:—La marche de la procédure sera la même que dans le cas d'une personne accusée, sauf que le mandat à transmettre par l'Ambassadeur ou autre Agent Diplomatique Français, à l'appui de la demande d'extradition, énoncera clairement le fait pour lequel la personne réclamée aura été condamnée; et mentionnera le lieu et la date du jugement. La preuve à produire devant le Magistrat de Police sera telle que, d'après la loi Anglaise, elle établirait que le prisonnier a été condamné pour l'infraction dont on l'accuse.

(C.) Les condamnés par jugement par défaut ou arrêt de contumace sont, au point de vue de la demande d'extradition, réputés accusés, et livrés comme tels.

(D.) Après que le Magistrat de Police aura envoyé en prison la personne accusée ou condamnée pour attendre l'ordre d'extradition du Secrétaire d'État, cette personne aura le droit de réclamer une ordonnance d'*habeas corpus*; l'extradition devra alors être différée jusqu'après la décision de la Cour sur le renvoi de l'ordonnance, et elle ne pourra avoir lieu que si la décision est contraire au demandeur. Dans ce dernier cas, la Cour

latter case the Court may at once order his delivery to the person authorized to receive him, without the order of a Secretary of State for his surrender, or commit him to prison to await such order.

VIII. Warrants, depositions, or statements on oath, issued or taken in the dominions of either of the two High Contracting Parties, and copies thereof, and certificates of or judicial documents stating the facts of conviction, shall be received in evidence in proceedings in the dominions of the other, if purporting to be signed or certified by a Judge, Magistrate, or officer of the country where they were issued or taken, provided such warrants, depositions, statements, copies, certificates, and judicial documents are authenticated by the oath of some witness, or by being sealed with the official seal of the Minister of Justice, or some other Minister of State.

IX. A fugitive criminal may be apprehended under a warrant issued by any Police Magistrate, Justice of the Peace, or other competent authority in either country, on such information or complaint, and such evidence, or after such proceedings as would, in the opinion of the person issuing the warrant, justify the issue of a warrant, if the crime had been committed or the prisoner convicted in that part of the dominions of the two Contracting Parties in which the

pourra immédiatement ordonner la remise de celui-ci à la personne autorisée à le recevoir, sans qu'il soit besoin d'attendre l'ordre d'extradition du Secrétaire d'État ou bien renvoyer en prison pour attendre cet ordre.

VIII. Les mandats, les dépositions, les déclarations sous serment, délivrés ou recueillis dans les États de l'une des Hautes Parties Contractantes, les copies de ces pièces, ainsi que les certificats ou les documents judiciaires établissant le fait de la condamnation, seront reçus comme preuves dans la procédure des États de l'autre partie, s'ils sont revêtus de la signature ou accompagnés de l'attestation d'un Juge, d'un Magistrat ou d'un fonctionnaire du pays où ils ont été délivrés ou recueillis, pourvu que ces mandats, dépositions, déclarations, copies, certificats et documents judiciaires soient rendus authentiques par le serment d'un témoin ou par le sceau officiel du Ministre de la Justice ou d'un autre Ministre d'État.

IX. Le fugitif pourra être arrêté sur mandat délivré par tout Magistrat de Police, juge de paix ou autre autorité compétente dans chaque pays, à la suite d'un avis, d'une plainte, d'une preuve ou de tout autre acte de procédure qui, dans l'opinion de celui qui aura délivré le mandat, justifierait ce mandat, si le crime avait été commis ou la personne condamnée dans la partie des États des deux Contractants où ce Magistrat exerce sa juridiction ; pourvu



**Magistrate exercises jurisdiction :** provided, however, that, in the United Kingdom, the accused shall, in such case be sent as speedily as possible before a Police Magistrate in London. He shall be discharged, as well in the United Kingdom as in France, if within 14 days a requisition shall not have been made for his surrender by the Diplomatic Agent of his country in the manner directed by Articles II and IV of this Treaty.

The same rule shall apply to the cases of persons accused or convicted of any of the crimes specified in this Treaty committed on the high seas on board any vessel of either country which may come into a port of the other.

X. If the fugitive criminal who has been committed to prison be not surrendered and conveyed away within two months after such committal, or within two months after the decision of the Court upon the return to a writ of *habeas corpus* in the United Kingdom, he shall be discharged from custody, unless sufficient cause be shown to the contrary.

XI. The claim for extradition shall not be complied with if the individual claimed has been already tried for the same offence in the country whence the extradition is demanded, or if, since the commission of the acts charged, the accusation or the conviction, exemption from prosecution or punishment has been acquired by lapse of time according to the laws of that country.

cependant, s'il s'agit du Royaume Uni, que l'accusé soit, dans un pareil cas, envoyé aussi promptement que possible devant un Magistrat de Police de Londres. Il sera relâché, tant dans le Royaume Uni qu'en France, si, dans le 14 jours, une demande d'extradition n'a pas été faite par l'Agent Diplomatique de son pays, suivant le mode indiqué par les Articles II et IV de ce Traité.

La même règle s'appliquera aux cas de personnes accusées ou condamnées du chef de l'un des faits spécifiés dans ce Traité et commis en pleine mer, à bord d'un navire de l'un des deux pays et qui viendrait dans un port de l'autre.

X. Si le fugitif qui a été arrêté n'a pas été livré et emmené dans les deux mois après son arrestation, ou dans les deux mois après la décision de la Cour sur le renvoi d'une ordonnance d'*habeas corpus* dans le Royaume Uni, il sera mis en liberté, à moins qu'il n'y ait d'autre motif de le retenir en prison.

XI. Il ne sera pas donné suite à la demande d'extradition si l'individu réclamé a été jugé pour le même fait dans le pays requis, ou si, depuis les faits imputés, les poursuites ou la condamnation, la prescription de l'action ou de la peine est acquise d'après les lois de ce même pays.

XII. If the individual claimed by one of the two High Contracting Parties in pursuance of the present Treaty should be also claimed by one or several other Powers, on account of other crimes committed upon their respective territories, his surrender shall be granted to that State whose demand is earliest in date; unless any other arrangement should be made between the Governments which have claimed him, either on account of the gravity of the crimes committed, or for any other reasons.

XIII. If the individual claimed should be under prosecution, or condemned for a crime or offence committed in the country where he may have taken refuge, his surrender may be deferred until he shall have been set at liberty in due course of law.

In case he should be proceeded against or detained in such country, on account of obligations contracted towards private individuals, his surrender shall nevertheless take place.

XIV. Every article found in the possession of the individual claimed at the time of his arrest shall, if the competent authority so decide, be seized, in order to be delivered up with his person at the time when the surrender shall be made. Such delivery shall not be limited to the property or articles obtained by stealing or by fraudulent bankruptcy, but shall extend to everything that may serve as proof of the crime, and shall take place

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XII. Si l'individu réclamé par l'une des Hautes Parties Contractantes, en exécution du présent Traité, est aussi réclamé par une ou plusieurs autres Puissances, du chef d'autres infractions commises sur leurs territoires respectifs, son extradition sera accordée à l'État dont la demande est la plus ancienne en date; à moins qu'il n'existe entre les Gouvernements qui l'ont réclamé, un arrangement qui déciderait de la préférence, soit à raison de la gravité des crimes commis, soit pour tout autre motif.

XIII. Si l'individu réclamé est poursuivi ou condamné pour un crime ou un délit commis dans le pays où il s'est réfugié, son extradition pourra être différée jusqu'à ce qu'il ait été mis en liberté conformément à la loi.

Dans le cas où il serait poursuivi ou détenu dans le même pays, à raison d'obligations par lui contractées envers des particuliers, son extradition n'en aura pas moins lieu.

XIV. Tout objet trouvé en la possession de l'individu réclamé au moment de son arrestation sera, si l'autorité compétente en a ainsi ordonné, saisi pour être livré avec sa personne lorsque l'extradition aura lieu. Cette remise ne sera pas limitée aux objets acquis par vol ou banqueroute frauduleuse; elle s'étendra à toute chose qui pourrait servir de pièce de conviction, et s'effectuera même si l'extradition, après avoir été accordée, ne

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even when the surrender, after having been ordered, shall be prevented from taking place by reason of the escape or death of the individual claimed.

The rights of third parties with regard to the said property or articles are nevertheless reserved.

XV. Each of the High Contracting Parties shall defray the expenses occasioned by the arrest within its territories, the detention, and the conveyance to its frontier, of the persons whom it may have consented to surrender in pursuance of the present Treaty.

XVI. In the Colonies and foreign Possessions of the two High Contracting Parties the manner of proceeding shall be as follows:—

The requisition for the surrender of a fugitive criminal who has taken refuge in a Colony or foreign Possession of either Party shall be made to the Governor or chief authority of such Colony or Possession by the chief Consular Officer of the other in such Colony or Possession; or, if the fugitive has escaped from a Colony or foreign Possession of the Party on whose behalf the requisition is made, by the Governor or chief authority of such Colony or Possession.

Such requisitions may be disposed of, subject always, as nearly as may be, to the provisions of this Treaty, by the respective Governors or chief authorities, who, however, shall be

peut s'accomplir par suite de l'évasion ou de la mort de l'individu réclamé.

Sont toutefois réservés les droits des tiers sur les objets susmentionnés.

XV. Chacune des Hautes Parties Contractantes supportera les frais occasionnés par l'arrestation sur son territoire, la détention et le transport à la frontière des personnes qu'elle aura consenti à extraditer, en exécution du présent Traité.

XVI. Dans les Colonies et autres Possessions étrangères des deux Hautes Parties Contractantes, il sera procédé de la manière suivante:—

La demande d'extradition du malfaiteur qui s'est réfugié dans une Colonie ou Possession étrangère de l'une des Parties sera faite au Gouverneur ou fonctionnaire principal de cette Colonie ou Possession par le principal Agent Consulaire de l'autre dans cette Colonie ou Possession; ou si le fugitif s'est échappé d'une Colonie ou Possession étrangère de la Partie au nom de laquelle l'extradition est demandée, par le Gouverneur ou le fonctionnaire principal de cette Colonie ou Possession.

Ces demandes seront faites ou accueillies, en suivant toujours aussi exactement que possible les stipulations de ce Traité, par les Gouverneurs ou premiers fonctionnaires, qui, cependant, auront

at liberty either to grant the surrender or to refer the matter to their Government.

The foregoing stipulations shall not in any way affect the arrangements established in the East Indian Possessions of the two countries by Article IX of the Treaty of the 7th March, 1815.\*

XVII. The present Treaty shall be ratified, and the ratifications shall be exchanged at Paris as soon as possible.

It shall come into operation ten days after its publication, in conformity with the laws of the respective countries.

Either Party may at any time terminate the Treaty on giving to the other six months' notice of its intention.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at Paris, this 14th day of August, 1876.

(L.S.) LYONS.

(L.S.) DECAZES.

la faculté ou d'accorder l'extradition ou d'en référer à leur Gouvernement.

Les stipulations qui précèdent ne modifient en rien les arrangements établis dans les possessions des Indes Orientales des deux États par l'Article IX du Traité du 7 Mars, 1815.\*

XVII. Le présent Traité sera ratifié, et les ratifications seront échangées, à Paris, aussitôt que faire se pourra.

Il entrera en vigueur dix jours après sa publication dans les formes prescrites par la législation des pays respectifs.

Chacune des Parties Contractantes pourra, en tout temps, mettre fin au Traité, en donnant à l'autre, six mois à l'avance, avis de son intention.

En foi de quoi, les Plénipotentiaires respectifs ont signé ce même Traité, et y ont apposé le sceau de leurs armes.

Fait à Paris, le 14 Août, 1876.

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*CONVENTION between Great Britain and Belgium, regulating the Communications by Post between the British and Belgian Dominions.†—Signed at London, February 17, 1876.*

[Ratifications exchanged at London, March 24, 1876.]

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the King of the Belgians, being desirous of strengthening the friendly relations which unite

\* Vol. II. Page 219.

† Signed also in the French language.

the two countries, and wishing to regulate by special arrangements (forming a sequel to the General Postal Treaty concluded at Berne, on the 9th of October, 1874\*) the postal relations between their respective Offices, have named as their Plenipotentiaries for this purpose, that is to say :

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honourable Edward Henry Stanley, Earl of Derby, Baron Stanley of Bickerstaffe, a Peer and a Baronet of England, a Member of Her Britannic Majesty's Most Honourable Privy Council, Her Majesty's Principal Secretary of State for Foreign Affairs, &c. ; and the Right Honourable John James Robert Manners (commonly called Lord John Manners), a Member of Her Majesty's Most Honourable Privy Council, a Member of Parliament, Her Majesty's Postmaster-General ;

And His Majesty the King of the Belgians, Baron Henry Solvyns, Grand Officer of the Order of Leopold, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the King of the Belgians to Her Britannic Majesty, &c. ;

Who, after having reciprocally communicated to each other their respective full powers, found in good and due form, have agreed upon the following Articles :—

ART. I. There shall be between the Post Offices of Great Britain and Belgium a periodical and regular exchange of correspondence of every kind in international service as well as in transit.

II. The exchange of correspondence between the two Offices shall be carried out through the following Post Offices :—

On the part of Great Britain—

1. Dover.
2. London.

On the part of Belgium—

1. Ostend (local office).
2. The Offices travelling between Brussels and Ostend.
3. The Office travelling between Brussels and Tournai.
4. The Office travelling between Ghent and Mouscron.

The two Offices may, if they think proper, agree to name other Offices for the exchange of correspondence.

III. The mails between Great Britain and Belgium shall be conveyed by means of special packets running between Ostend and Dover.

Each Office shall have the right to employ subsidiarily, and so far as it shall be of any advantage on the score of speed, the route *viâ* France and the French packets from Calais to Dover, for the conveyance of its correspondence in closed bags to the other Office.

With regard to the mails conveyed on account of other Offices,

it will be the duty of the despatching Office to indicate the route to be followed.

IV. The Post Offices of Great Britain and of Belgium shall fix by a mutual agreement the time for the departure of the packets from Ostend and Dover, and they shall regulate this service in connection with the railway trains, so as to insure with the greatest possible speed the transmission of mails for international as well as for transit service.

V. The Belgian Government shall continue to perform, at its own expense, the double daily service for the conveyance of the mails from Ostend to Dover, and *vice versa* (a service which must be performed at least 6 days in the week, the service on Sunday being optional).

VI. The packets employed for the conveyance of the correspondence between Ostend and Dover shall be steam-boats of sufficient power and size for the service in which they are to be employed. They shall be vessels belonging to Government or freighted by order of Government.

These vessels shall be considered, and treated in the port of Dover, and in all other British ports at which they may accidentally touch, as vessels of war, and be there entitled to all the honours and privileges which the interests and importance of the service in which they are employed, demand.

They shall be exempted in those ports, as well on their entrance as on their departure, from all tonnage, navigation, and port dues excepting, however, the vessels freighted by order of Government, which must pay such dues in those ports where they are levied on behalf of corporations, private companies, or private individuals.

They shall not be diverted from their especial duty—that is to say, the conveyance of the mails—by any authority whatever, or be liable to seizure, detention, embargo, or *arrêt de prince*.

VII. The captains of the Belgian packets shall receive from the agents appointed for the service of exchange the mails at Ostend and at Dover, the bags being closed and sealed.

The number of these bags and the time of their delivery shall be entered on a way bill, which the captains or the officers entrusted under their orders with the care of the mails shall deliver on their arrival to the Office for which they are destined.

They shall bring back to the despatching Office a certificate of the punctual delivery of the mails, delivered to them by the agent who shall have received them.

VIII. Unless prevented by causes over which they have no control, the captains of the packets engaged in carrying the mails between Ostend and Dover shall proceed directly to their destination.

If in consequence of stress of weather or damage they should be compelled to alter their course, and to put into any other port than Ostend or Dover, they must justify such deviation in the manner that their respective Offices shall deem advisable.

Whenever a packet conveying mails shall be compelled to put into any other than its destined port, the captain shall immediately deliver the mails to the local Post Office, or forward them towards their destination, under the charge of an officer of the vessel.

IX. The boats which shall be necessary for taking on board or landing the mails, or for assisting the steam-packets upon their arrival or departure, shall be provided, both at Dover and Ostend, by the Belgian Government, and at its expense.

X. The mail-packets shall be at liberty to take on board or land at Dover, as well as at other British ports where they may be obliged to put in, any passengers of whatever nation they may be, with their wearing apparel and luggage, and also with their horses and carriages, on condition that the captains of the said packets shall conform to the regulations of the United Kingdom concerning the arrival and departure of travellers. They shall be prohibited from conveying goods or merchandise on freight, with the exception, however, of postal packets and small parcels, the weight of which shall be limited by mutual agreement between the two Offices.

XI. The expenses which may be incurred for signals of every kind, and for the burning of Bengal lights upon the pier for the use of the steam-packets, shall be borne both at Dover and at Ostend by the Belgian Government.

XII. The captains of the packets specially engaged in the conveyance of the respective mails of the two Offices are forbidden to take charge of any letter not included in their mail-bags, with the exception, however, of Government despatches.

They must take care that no letters are conveyed illegally by their crews or passengers, and must give information in the proper quarter of any breach of the laws which may be committed in that respect.

XIII. In case of war between the two nations, the mail-packets shall continue their navigation without impediment or molestation, until a notification is made on the part of either of the two Governments that the service is to be discontinued, in which case they shall be permitted to return freely, and under special protection, to the port in Belgium where they were fitted out.

XIV. The British Government engages to pay annually to the Belgian Government, in consideration of the advantages which it derives from the double daily packet service between Ostend and Dover, viz. :—

1. For the night service the sum of 4,000*l.* sterling ; and

2. For the day service the sum of 500*l.* sterling.

These sums shall be paid quarterly to the Envoy Extraordinary and Minister Plenipotentiary of His Majesty the King of the Belgians at the Court of Her Britannic Majesty.

It is understood that the British Government shall be at liberty to terminate such payment on giving to the Belgian Government a notice of at least six months ; and that, even without such notice, the payment of either or both of the above-mentioned sums shall be lawfully discontinued at any time that the Belgian Government should cease to perform either a portion or the whole of the service.

XV. The two Governments engage to cause to be conveyed by the means which the respective Post Offices employ for their own business, the closed mails which one of the Offices may wish to exchange, through the medium of the other Office, with countries which are not parties to the General Postal Union.

The one of the two Offices on whose account this conveyance shall take place shall pay to the Office performing this service, in consideration of the distance traversed beyond the limits of the Union, rates which shall be determined by mutual agreement between them, and which shall not exceed the rates to be determined for the despatch of correspondence in open mails, in conformity with Article XI of the Treaty of Berne of the 9th of October, 1874.

XVI. In order to secure the whole of the receipts upon the correspondence passing between the two countries, the British and Belgian Governments engage to prevent by every possible means the said correspondence being sent by any other way than by their respective Posts.

XVII. The Post Offices of Great Britain and Belgium shall determine by mutual agreement, in accordance with the conditions laid down in the Treaty of Berne of the 9th of October, 1874, the matters of detail connected with the execution of the present Convention, as well as all other arrangements deemed necessary for regulating the postal regulations between the two countries.

XVIII. The present Convention, which abrogates and takes the place of all previous postal arrangements concluded between Great Britain and Belgium, with the exception of those relating to Post Office money orders, shall come into force immediately after the exchange of the ratifications.

It is concluded for an indefinite period, each party reserving to itself the right to terminate it at any time upon giving at least twelve months' notice to the other party of its intention in this respect.

XIX. The present Convention shall be ratified, and the ratifications shall be exchanged at London as soon as possible.



In witness whereof the respective Plenipotentiaries have signed the present Convention, and have affixed thereto the seal of their arms.

Done in duplicate at London, the 17th day of February, in the year of Our Lord 1876.

(L.S.) DERBY.

(L.S.) JOHN MANNERS.

(L.S.) SOLVYNS.

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*TREATY between Great Britain and Belgium, for the Mutual Surrender of Fugitive Criminals.\*—Signed at Brussels, May 20, 1876.*

[Ratifications exchanged at Brussels, June 28, 1876.]

HER MAJESTY the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the King of the Belgians, having judged it expedient, with a view to the more complete prevention of crime within their respective territories, that persons charged with or convicted of the crimes hereinafter enumerated, and being fugitives from the justice of their country, should, under certain circumstances, be reciprocally delivered up; Their said Majesties have named as their Plenipotentiaries to conclude a Treaty for this purpose, that is to say:—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, John Savile Lumley, Esquire, Companion of the Most Honourable Order of the Bath, Her Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of the Belgians;

And His Majesty the King of the Belgians, the Count d'Aspremont-Lynden, Officer of His Order of Leopold, Commander of the Order of the Ernestine Branch of the House of Saxony, Grand Cross of the Orders of Leopold of Austria, of the Legion of Honour, of the Lion of the Netherlands, and of the White Eagle of Russia, &c., Member of the Senate, His Minister of Foreign Affairs;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following Articles:—

ART. 1. It is agreed that Her Britannic Majesty and His Majesty the King of the Belgians shall, on requisition made in their

\* Signed also in the French language.

name by their respective Diplomatic Agents, deliver up to each other reciprocally any persons, except as regards Great Britain, native born and naturalized subjects of Her Britannic Majesty, and, except as regards Belgium, those who are by birth or who may have become citizens of Belgium, who, being accused or convicted as principals or accessories, of any of the crimes hereinafter specified, committed within the territories of the requiring party, shall be found within the territories of the other party :—

1. Murder (including assassination, parricide, infanticide, and poisoning), or attempt to murder.

2. Manslaughter.

3. Counterfeiting or altering money, or uttering counterfeit or altered money.

4. Forgery, counterfeiting, or altering or uttering what is forged or counterfeited or altered.

5. Embezzlement or larceny.

6. Obtaining money or goods by false pretences.

7. Crimes by bankrupts against bankruptcy law.

8. Fraud by a bailee, banker, agent, factor, trustee, or director, or member or public officer of any company, made criminal by any law for the time being in force.

9. Rape : Carnal knowledge of a girl under the age of 10 years ; carnal knowledge of a girl above the age of 10 years and under the age of 12 years ; indecent assault upon any female or any attempt to have carnal knowledge of a girl under 12 years of age.

10. Abduction.

11. Child stealing.

12. Kidnapping.

13. Burglary or housebreaking.

14. Arson.

15. Robbery with violence (including intimidation).

16. Threats by letter or otherwise with intent to extort.

17. Piracy by law of nations.

18. Sinking or destroying a vessel at sea, or attempting or conspiring to do so.

19. Assaults on board ship on the high seas with intent to destroy life or to do grievous bodily harm.

20. Revolt or conspiracy to revolt by two or more persons on board a ship on the high seas against the authority of the master.

21. Perjury and subornation of perjury.

22. Malicious injury to property, if the offence be indictable.

23. Aggravated or indecent assault.

Provided that the surrender shall be made only when, in the case of a person accused, the commission of the crime shall be so established as that the laws of the country where the fugitive or person

accused shall be found would justify his apprehension and commitment for trial if the crime had been there committed; and in the case of a person alleged to have been convicted, on such evidence as, according to the laws of the country where he is found, would prove that he has been convicted.

In no case can the surrender be made unless the crime shall be punishable according to the laws in force in both countries with regard to extradition.

II. In the dominions of Her Britannic Majesty, other than the Colonies or foreign Possessions of Her Majesty, the manner of proceeding shall be as follows:—

1. In the case of a person accused—

The requisition for the surrender shall be made to Her Britannic Majesty's Principal Secretary of State for Foreign Affairs by the Minister or other Diplomatic Agent of His Majesty the King of the Belgians, accompanied by a warrant of arrest or other equivalent judicial document, issued by a Judge or Magistrate duly authorized to take cognizance of the acts charged against the accused in Belgium, together with duly authenticated depositions or statements taken on oath or upon solemn affirmation before such Judge or Magistrate, clearly setting forth the said acts, and containing a description of the person claimed, and any particulars which may serve to identify him. The said Secretary of State shall transmit such documents to Her Britannic Majesty's Principal Secretary of State for the Home Department, who shall then, by order under his hand and seal, signify to some Police Magistrate in London that such requisition has been made, and require him, if there be due cause, to issue his warrant for the apprehension of the fugitive.

On the receipt of such order from the Secretary of State, and on the production of such evidence as would, in the opinion of the Magistrate, justify the issue of the warrant if the crime had been committed in the United Kingdom, he shall issue his warrant accordingly.

When the fugitive shall have been apprehended he shall be brought before the Police Magistrate who issued the warrant, or some other Police Magistrate in London. If the evidence to be then produced shall be such as to justify, according to the law of England, the committal for trial of the prisoner, if the crime of which he is accused has been committed in England, the Police Magistrate shall commit him to prison to await the warrant of the Secretary of State for his surrender, sending immediately to the Secretary of State a certificate of the committal, and a report upon the case.

After the expiration of a period from the committal of the prisoner, which shall never be less than 15 days, the Secretary of State shall, by order under his hand and seal, order the fugitive

criminal to be surrendered to such person as may be duly authorized to receive him on the part of the Government of His Majesty the King of the Belgians.

2. In the case of a person convicted—

The course of proceeding shall be the same as in the case of a person accused, except that the warrant to be transmitted by the Minister or other Diplomatic Agent in support of his requisition shall clearly set forth the crime of which the person claimed has been convicted, and state the fact, place, and date of his conviction. The evidence to be produced before the Police Magistrate shall be such as would, according to the law of England, prove that the prisoner was convicted of the crime charged.

After the Police Magistrate shall have committed the accused or convicted person to prison to await the order of a Secretary of State for his surrender, such person shall have the right to apply for a writ of *habeas corpus*; if he should so apply, his surrender must be deferred until after the decision of the Court upon the return to the writ, and even then can only take place if the decision is adverse to the applicant.

III. In the dominions of His Majesty the King of the Belgians, other than the Colonies or foreign Possessions of His said Majesty, the manner of proceeding shall be as follows:—

1. In the case of a person accused—

The requisition for the surrender shall be made to the Minister for Foreign Affairs of His Majesty the King of the Belgians by the Minister or other Diplomatic Agent of Her Britannic Majesty, accompanied by a warrant of arrest or other equivalent judicial document issued by a Judge or Magistrate duly authorized to take cognizance of the acts charged against the accused in Great Britain, together with duly authenticated depositions or statements taken on oath or upon solemn affirmation before such Judge or Magistrate, clearly setting forth the said acts and containing a description of the person claimed, and any other particulars which may serve to identify him.

The Minister for Foreign Affairs shall transmit the warrant of arrest, with the documents thereto annexed, to the Minister of Justice, who shall forward the same to the proper judicial authority, in order that the warrant of arrest may be put in course of execution by the Chamber of the Council (*Chambre du Conseil*) of the Court of First Instance of the place of residence of the accused, or of the place where he may be found.

The foreigner may claim to be provisionally set at liberty in any case in which a Belgian enjoys that right, and under the same conditions. The application shall be submitted to the Chamber of the Council (*Chambre du Conseil*).

The Government will take the opinion of the Chamber of Indictments or Investigation (*Chambre des Mises en Accusation*) of the Court of Appeal within whose jurisdiction the foreigner shall have been arrested.

The hearing of the case shall be public, unless the foreigner should demand that it should be with closed doors.

The public authorities and the foreigner shall be heard. The latter may obtain the assistance of counsel.

Within a fortnight from the receipt of the documents, they shall be returned, with a reasoned opinion, to the Minister of Justice, who shall decide and may order that the accused be delivered to the person duly authorized on the part of the Government of Her Britannic Majesty.

2. In case of a person convicted—

The course of proceeding shall be the same as in the case of a person accused, except that the conviction or sentence of condemnation issued in original or in an authenticated copy, to be transmitted by the Minister or other Diplomatic Agent in support of his requisition, shall clearly set forth the crime of which the person claimed has been convicted, and state the fact, place, and date of his conviction. The evidence to be produced shall be such as would, according to the Belgian laws, prove that the prisoner was convicted of the crime charged.

IV. A fugitive criminal may, however, be apprehended under a warrant issued by any Police Magistrate, Justice of the Peace, or other competent authority in either country, on such information or complaint, and such evidence, or after such proceedings as would, in the opinion of the person issuing the warrant, justify the issue of a warrant if the crime had been committed or the prisoner convicted in that part of the dominions of the two Contracting Parties in which he exercises jurisdiction: Provided, however, that, in the United Kingdom, the accused shall, in such case, be sent as speedily as possible before a Police Magistrate in London. He shall be discharged, as well in the United Kingdom as in Belgium, if within 14 days a requisition shall not have been made for his surrender by the Diplomatic Agent of his country, in the manner directed by Articles II and III of this Treaty.

The same rule shall apply to the cases of persons accused or convicted of any of the crimes specified in this Treaty, committed on the high seas on board any vessel of either country which may come into a port of the other.

V. If the fugitive criminal who has been committed to prison be not surrendered and conveyed away within two months after such committal (or within two months after the decision of the Court upon the return to a writ of *habeas corpus* in the United Kingdom),

he shall be discharged from custody, unless sufficient cause be shown to the contrary.

VI. When any person shall have been surrendered by either of the High Contracting Parties to the other, such person shall not, until he has been restored or had an opportunity of returning to the country from whence he was surrendered, be triable or tried for any offence committed in the other country prior to the surrender, other than the particular offence on account of which he was surrendered.

VII. No accused or convicted person shall be surrendered if the offence in respect of which his surrender is demanded shall be deemed by the party upon which it is made to be a political offence, or to be an act connected with (*connexe d*) such an offence, or if he prove, to the satisfaction of the Police Magistrate, or of the Court before which he is brought on *habeas corpus*, or to the Secretary of State, that the requisition for his surrender has in fact been made with a view to try or to punish him for an offence of a political character.

VIII. Warrants, depositions, or statements on oath, issued or taken in the dominions of either of the two High Contracting Parties, and copies thereof, and certificates of, or judicial documents stating the fact of, conviction, shall be received in evidence in proceedings in the dominions of the other, if purporting to be signed or certified by a Judge, Magistrate, or officer of the country where they were issued or taken

Provided such warrants, depositions, statements, copies, certificates, and judicial documents are authenticated by the oath or solemn affirmation of some witness, or by being sealed with the official seal of the Minister of Justice or some other Minister of State.

IX. The surrender shall not take place if, since the commission of the acts charged, the accusation, or the conviction, exemption from prosecution or punishment has been acquired by lapse of time, according to the laws of the country where the accused shall have taken refuge.

X. If the individual claimed by one of the two High Contracting Parties in pursuance of the present Treaty should be also claimed by one or several other Powers, on account of other crimes committed upon their respective territories, his surrender shall be granted to that State whose demand is earliest in date; unless any other arrangement should be made between the Governments which have claimed him, either on account of the gravity of the crimes committed or for any other reasons.

XI. If the individual claimed should be under prosecution, or condemned by the Courts of the country where he has taken refuge, his surrender may be deferred until he shall have been set at liberty in due course of law.

In case he should be proceeded against or detained in such

country on account of obligations contracted towards private individuals, his surrender shall nevertheless take place, the injured party retaining his right to prosecute his claims before the competent authority.

XII. Every article found in the possession of the individual claimed at the time of his arrest shall, if the competent authority so decide, be seized, in order to be delivered up with his person at the time when the surrender shall be made. Such delivery shall not be limited to the property or articles obtained by stealing or by fraudulent bankruptcy, but shall extend to everything that may serve as proof of the crime. It shall take place even when the surrender, after having been ordered, shall be prevented from taking place by reason of the escape or death of the individual claimed.

The rights of third parties with regard to the said property or articles are nevertheless reserved.

XIII. Each of the High Contracting Parties shall defray the expenses occasioned by the arrest within its territories, the detention, and the conveyance to its frontier, of the persons whom it may consent to surrender in pursuance of the present Treaty.

XIV. The stipulations of the present Treaty shall be applicable to the Colonies and foreign Possessions of the two High Contracting Parties.

The requisition for the surrender of a fugitive criminal who has taken refuge in a Colony or foreign Possession of either party shall be made to the Governor or chief authority of such Colony or Possession by the chief Consular Officer of the other in such Colony or Possession, or, if the fugitive has escaped from a Colony or foreign Possession of the party on whose behalf the requisition is made, by the Governor or chief authority of such Colony or Possession.

Such requisition may be disposed of, subject always, as nearly as may be, to the provisions of this Treaty, by the respective Governors or chief authorities, who, however, shall be at liberty either to grant the surrender, or to refer the matter to their Government.

Her Britannic Majesty shall, however, be at liberty to make special arrangements in the British Colonies and foreign Possessions for the surrender of Belgian criminals who may there take refuge, on the basis, as nearly as may be, of the provisions of the present Treaty.

XV. The present Treaty shall come into operation ten days after its publication in conformity with the laws of the respective countries.

After the Treaty shall so have been brought into operation, the Treaty concluded between the High Contracting Parties on the 31st July, 1872,\* shall be considered as cancelled, except as to any

\* Vol. LXII. Page 23.

proceeding that may have already been taken or commenced in virtue thereof.

Either party may at any time terminate the Treaty on giving to the other six months' notice of its intention.

XVI. The present Treaty shall be ratified, and the ratifications shall be exchanged at Brussels as soon as may be within six weeks from the date of signature.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at Brussels, the 20th day of May, in the year of Our Lord 1876.

(L.S.) J. SAVILE LUMLEY.

(L.S.) Cte. D'ASPREMONT-LYNDEN.

*TREATY of Commerce between Great Britain and Austria —  
Signed at Buda-Pesth, December 5, 1876.*

[Ratifications exchanged at Vienna, December 29, 1876.]

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, on the one part, and His Majesty the Emperor of Austria, King of Bohemia, &c., and Apostolic King of Hungary, on the other part, being equally desirous to regulate and extend the commercial relations between their respective States and Possessions, have resolved, after notice had been given for the termination of the Treaty of Commerce of the 16th of December, 1865,\* and of the Convention supplementary thereto of the 30th of December, 1869,† to conclude a new Treaty for the above purpose, and have appointed as their Plenipotentiaries, that is to say:—

IHRN Majestät die Königin des Vereinigten Königreiches von Grossbritannien und Irland, einerseits und Seine Majestät der Kaiser von Oesterreich, König von Böhmen, &c., und Apostolischer König von Ungarn andererseits, von dem gleichen Wunsche geleitet, die Handelsbeziehungen zwischen Ihren beiderseitigen Staaten und Besitzungen zu regeln und auszudehnen, haben nach erfolgter Kündigung des Handelsvertrages vom 16. Dezember, 1865, sowie der dazu gehörigen Nachtrags-Convention vom 30. Dezember, 1869, beschlossen, einen neuen Vertrag zu diesem Zwecke abzuschliessen und zu Ihren Bevollmächtigten ernannt, nämlich:—

Ő FELSŐGE Nagy-Británia és Irhon egyesült királyság királynője egyrésztől, és Ő Felsége, az ausztriai császár, Csehország királya, stb. és Magyarország apostoli királya másrésztől azon közös óhajtól vezéreltetve, hogy államaik és birtokaik közt a kereskedelmi viszonyokat kölcsönösen szabályozzák és kiterjesszék, az 1865. évi December 16án kötött kereskedelmi szerződés, valamint az ahhoz tartozó 1869. évi December 30iki, pótegyezmény felmondása után elhatározták, hogy e végre új szerződést kötnek és megtaalmazottaikká kinevezték, ugymint:—

\* Vol. LV. Page 5.

† Vol. LIX. Page 14.



Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honourable Sir Andrew Buchanan, a Member of Her Majesty's Most Honourable Privy Council, Knight Grand Cross of the Most Honourable Order of the Bath, Her Majesty's Ambassador Extraordinary and Plenipotentiary to His Imperial and Royal Apostolic Majesty;

And His Majesty the Emperor of Austria, King of Bohemia, &c., and Apostolic King of Hungary, Julius, Count Andrásey de Csik-Szent-Király et Krasna-Horka, Grand Cross of the Order of St. Stephen, General in His Imperial Majesty's Army, Privy Counsellor, Minister of the Imperial House and of Foreign Affairs;

Who, after having communicated to each other their respective full powers, found to be in due and proper form, have agreed upon and concluded the following Articles:—

ART. I. The subjects of His Imperial and Royal Apostolic Majesty who reside temporarily or permanently in the territories and possessions, including the Colonies and foreign Possessions, of Her Britannic Majesty, and the subjects of Her Britannic Majesty who reside temporarily or permanently in the Austro-Hungarian Monarchy, shall enjoy

Ihre Majestät die Königin des Vereinigten Königreiches von Grossbritannien und Irland, den sehr ehrenwerthen Sir Andrew Buchanan, Mitglied Ihrer Majestät höchst ehrenwerthen Geheimen Rathes, Grosskreuz des höchst ehrenwerthen Bath - Ordens, Allerhöchst Ihren ausserordentlichen und bevollmächtigten Botschafter bei Seiner Kaiserlichen und Königlichen Apostolischen Majestät;

Und Seine Majestät der Kaiser von Oesterreich, König von Böhmen, &c., und Apostolischer König von Ungarn, den Julius Grafen Andrásey, von Csik-Szent-Király und Krasna-Horka, Grosskreuz Allerhöchst Ihres Stefans-Ordens, Allerhöchst Ihren Generalmajor, und Geheimen Rath, Minister des kaiserlichen Hauses und des Aeussern;

Welche, nach gegenseitiger Mittheilung ihrer in guter und gehöriger Form befundenen Vollmachten, die nachstehenden Artikel vereinbart und abgeschlossen haben:—

ART. I. Die Unterthanen Seiner Kaiserlichen und Königlichen Apostolischen Majestät, welche in den Gebieten und Besitzungen einschliesslich der Colonien und auswärtigen Besitzungen Ihrer Brittischen Majestät und die Unterthanen Ihrer Brittischen Majestät, welche in der österreichisch-ungarischen Monarchie vorübergehend oder dauernd sich au-

Ö Felsége Nagy-Británia és Ithon egyesült királyság királynője, igen tisztelt Sir Buchanan Andrewt, Ő brit Felsége nagyon tisztelt titkostanácsának tagját, a nagyon tisztelt Bathrend nagykeresztését, Ő Felsége rendkívüli és meghatalmazott nagykövetét Ő csász. és apostoli kir. Felségénél; és

Ő Felsége, az ausztriai császár, Csehország királya, stb. és Magyarország apostoli királya, Csik-Szent-Királyi és Kraszna-Horkai Andrásey Gyula grófot, a Szent-István rend nagykeresztését, Ő Felsége hadseregének tábornokait valóságos belsőtitkos tanácsosait, a császári ház és a külügyek miniszerét;

Kik, jó és kellő alakan talált meghatalmazásaik kölcsönös közlése után a következő cikkeket állapították és kötötték meg:—

I. CZIKK. Ő csász. és apostoli királyi Felségének alattvalói, kik Ő Felsége a nagybritániai királynő területein és birtokain, a gyarmatokat és külországi birtokokat is ide érte, és viszont Ő Felsége a nagybritániai királynő alattvalói, kik az osztrákmagyar monarchiában akár ideiglenesen, akár állandóan tartózkodnak, a jelen szerződésnek tartama

therein during the continuance of this Treaty, with respect to residence and the exercise of commerce and trade, the same rights as, and shall not be subjected to any higher or other imposts than, the subjects of any third country the most favoured in these respects.

II. The produce and manufactures of, as well as all goods coming from, Austria-Hungary, which are imported into the territories and possessions, including the Colonies and foreign possessions, of Her Britannic Majesty, and the produce and manufactures of, as well as all goods coming from, British possessions, which are imported into the Austro-Hungarian Monarchy, whether intended for consumption, warehousing, re-exportation or transit, shall therein, during the continuance of this Treaty, be treated in the same manner as, and in particular shall be subjected to no higher or other duties than, the produce and goods of any third country, the most favoured in this respect.

No other or higher duties shall be levied in the Austro-Hungarian Monarchy on the exportation of any goods to the territories and [1875-76. LXVII.]

shalten, sollen daselbst während der Dauer des gegenwärtigen Vertrages in Beziehung auf den Aufenthalt und den Betrieb des Handels und der Gewerbe, die nämlichen Rechte geniessen und keinen höheren oder anderen Abgaben unterworfen werden, als die Angehörigen des in dieser Beziehung am meisten begünstigten dritten Landes.

II. Die Boden und Gewerbszeugnisse, sowie alle Waaren österreichisch - ungarischer Provenienz überhaupt, welche in die Gebiete und Besitzungen, einschliesslich der Colonien und auswärtigen Besitzungen Ihrer Brittischen Majestät und die Boden- und Gewerbszeugnisse, sowie alle Waaren Britischer Provenienz überhaupt, welche in die österreichisch - ungarische Monarchie eingeführt werden, sollen daselbst, sie mögen zum Verbrauch zur Lagerung, zur Wiederausfuhr oder zur Durchfuhr bestimmt sein, während der Dauer dieses Vertrages der nämlichen Behandlung unterliegen und insbesondere keinen höheren oder anderen Abgaben unterworfen werden, als die Erzeugnisse und Waaren des in diesen Beziehungen am meisten begünstigten dritten Landes.

Bei der Ausfuhr nach den Gebieten und Besitzungen einschliesslich der Colonien und auswärtigen Besitzungen Ihrer Brittischen Majes-

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alatt tartózkodásuk, valamint a kereskedelem és az ipar üzése tekintetében ugyanazon jogokat élvezendik és nem lesznek alávétve sem magasabb, sem más illetékeknek, mint az e részben a legnagyobb kedvezményeket élvező harmadik állam honpolgárai.

II. Az osztrák-magyar monarchiában előállított földtermények és iparcikkek, valamint általában minden az osztrák-magyar monarchiából érkező áruk, melyek Ő Felsége, a nagybritániai királynő területeire és birtokaiba, a gyarmatokat és a külsőrszági birtokokat is ide értve bevitetnek, és viszont a brit eredetű földtermények és iparcikkek, valamint általában minden a brit országokból érkező áruk, melyek az osztrák-magyar monarchiába bevitetnek, és pedig akár fogyasztás, akár rakodás, akár ismétli kivitel, akár átvitel céljából, a jelen szerződés tartama alatt ugyanazon bánásmód alá fognak esni, és különösen nem lesznek alávétve sem magasabb, sem más illetékeknek, mint az e részben a legnagyobb kedvezményeket élvező harmadik állam terményei és áruai.

Az osztrák-magyar monarchiában azon kivételnél, mely Ő Felsége, a nagybritániai királynő területeire és birtokaiba, a gyarmatokat és külör-

possessions, including the Colonies and foreign possessions, of Her Britannic Majesty, or in the territories and possessions, including the Colonies and foreign possessions, of Her Britannic Majesty, on the exportation of any goods to the Austro-Hungarian Monarchy, than on the exportation of the like goods to any third country the most favoured in this respect.

The two High Contracting Parties likewise guarantee to each other treatment on the footing of the most favoured third country in regard to the transit of goods through the territory of the one from and to the territory of the other.

III. Every reduction in the Tariff of Import and Export Duties, as well as every favour or immunity that one of the Contracting Parties grants to the subjects and commerce of a third Power, shall be participated in simultaneously and unconditionally by the other.

IV.\* The stipulations of the foregoing Articles, I to III, relative to the reciprocal treatment on the footing of the most favoured third country, shall not apply—

ist, sollen in der österreichisch - ungarischen Monarchie und bei der Ausfuhr nach der österreichisch - ungarischen Monarchie, sollen in den Gebieten und Besitzungen einschliesslich der Colonien und auswärtigen Besitzungen Ihrer Brittischen Majestät Ausgangsabgaben von keinen anderen Waaren und mit keinen höheren oder anderen Beträge erhoben werden, als bei der Ausfuhr nach dem in dieser Beziehung am meisten begünstigten dritten Lande.

Die beiden hohen vertragschliessenden Theile sichern sich desgleichen auch bezüglich der Waarendurchfuhr durch das Gebiet des einen von und nach dem Gebiete des anderen Theiles die Behandlung auf dem Fusse des am meisten begünstigten dritten Landes zu.

III. Jede Ermässigung in dem Tarife der Einfuhr- und Ausfuhr-abgaben, sowie jede Begünstigung oder Befreiung, welche einer der vertragschliessenden Theile den Unterthanen und dem Handel einer dritten Macht zugesteht, wird gleichzeitig und ohne Bedingung dem Anderen zu Theil werden.

IV. Die Bestimmungen der vorstehenden Artikel I bis III über die gegenseitige Behandlung auf dem Fusse des am meisten begünstigten dritten Landes werden keine Anwendung finden:—

azági birtokokat is ide értve, irányul, és viszont Ő Felsége a nagybritániai királyi területein és birtokain, ide értve a gyarmatokat és külországi birtokokat, azon kivételnél, mely az osztrák-magyar monarchiába irányul, kiviteli illetékek nem fognak szedetni, sem más áru után, sem magasabb vagy más összegben, mint az e részben a legnagyobb kedvezményeket élvező harmadik államba szóló kivételnél,

Mindkét magas aszerződő fél a saját területen keresztlül a másik fél területéről, vagy területére szándékolat átvitel tekintetében egymásnak hasonlóképen ugyanazon bánásmódot biztosítja, amelyben a legnagyobb kedvezményeket élvező harmadik állam részeseül.

III. A beviteli és kiviteli illetékek díjszabályzatának minden leszállítása, valamint minden kedvezmény és mentesítés, melyet a aszerződő felek egyike valamely harmadik hatalom alattvalóinak vagy kereskedelmének engedélyez, egyidejűleg és feltétlenül a másik felet is megilleti.

IV. A megelőző I—III cikknek intéskedései a legnagyobb kedvezményben részesülő nemzet irányában követett bánásmódot illetőleg nem találnak alkalmazást:—

\* See Protocol. Page 36.

1. To those special and ancient privileges which are accorded to Turkish subjects for the Turkish trade in Austria-Hungary.

2. To those advantages which are or may be granted on the part of the Austro-Hungarian Monarchy to the neighbouring countries solely for the purpose of facilitating the frontier traffic, or to those reductions of, or exemptions from, Customs duties which are only valid in the said Monarchy for certain frontiers, or for the inhabitants of certain districts.

3. To the obligations imposed upon either of the High Contracting Parties by a Customs Union already concluded, or which may hereafter be concluded.

V. Neither of the High Contracting Parties shall establish a prohibition of importation, exportation, or transit against the other which shall not, under like circumstances, be applicable to the third country most favoured in this respect.

VI. The subjects of one of the two High Contracting Parties shall enjoy in the territories of the other the same protection as native subjects with regard to rights of ownership over trade and manufacture

1. Auf jene besondere althergebrachten Vorrechte, welche den Türkischen Unterthanen für den Türkischen Handel in Oesterreich-Ungarn zukommen.

2. Auf jene Begünstigungen, welche von Seite der österreichisch-ungarischen Monarchie lediglich zur Erleichterung des Grenzverkehrs den Nachbarländern gegenwärtig zugestanden sind oder in Zukunft zugestanden werden könnten, sowie auf jene Zollerlässigungen und Zollbefreiungen, welche in der genannten Monarchie nur für gewisse Grenzen oder für die Bewohner gewisser Distrikte Geltung haben.

3. Auf die, Einem der beiden hohen vertragschliessenden Theile durch eine schon abgeschlossene oder etwa künftighin abzuschliessende Zolleinigung auferlegten Verbindlichkeiten.

V. Keiner der beiden hohen vertragschliessenden Theile wird ein Einfuhr- Ausfuhr- oder Durchfuhr-verbot gegen den Anderen in Kraft setzen, welches unter den gleichen Umständen nicht auch auf das in dieser Beziehung am meisten begünstigte dritte Land anwendbar wäre.

VI. Die Angehörigen Eines der beiden hohen vertragschliessenden Theile werden in den Gebieten des Anderen hinsichtlich des Eigentumsrechtes an Handels- und Fabrikmarken und anderen Bezeich-

1. Azon külön régiöljogok tekintetében, melyek a török alattvalókat az osztrak-magyar monarchiában üzt török kereskedelemre nézve megilletik.

2. Azon kedvezmények tekintetében, melyeket az osztrak-magyar monarchia csupán a határforgalom könnyítése végett a szomszéd államoknak jelenleg engedélyezett, vagy jövőben engedélyezni fog, valamint azon vám-mérséklések és vámmentesítések tekintetében, melyek a nevezett monarchiában csak bizonyos határookra, vagy bizonyos vidékek lakosaira nézve birnak érvénnyel.

3. Azon kötelezettségek tekintetében, melyek valamely már megkötött vagy jövőben kötendő vámegegyesülés folytán a magas szerződő felek egyikére háromolnak.

V. A magas szerződő felek egyike sem fog a másik irányában oly beviteli, kiviteli vagy átviteli tilalmat hatályba léptetni, mely ugyanazon körülmények közt nem volna szintén a legnagyobb kedvezményeket élvező harmadik államra is alkalmazható.

VI. A magas szerződő felek egyikének alattvalói a kereskedelmi és ipar védjegyek, az áruk vagy begöngyöléseik más megjelölése, valamint az ipar czikkei muatrái és mintái tekintetében a tulajdonjogot illetőleg ugyanazon

marks, and other distinctive marks of goods or their packages, as well as over patterns and designs for manufactures.

The subjects of Her Britannic Majesty will not, however, be able to claim in Austria-Hungary the exclusive right to a mark or other indication on a pattern or design unless they have deposited two specimens of it in the Chambers of Commerce at Vienna and Buda-Pesth.

VII. The present Treaty shall come into force on the 1st of January, 1877, and remain in operation until the 31st of December of the same year.

VIII. The present Treaty shall be ratified as soon as possible, and the ratifications shall be exchanged at Vienna by the 31st of December, 1876, at latest.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at Buda-Pesth, on the 5th day of December, in the year of Our Lord 1876.

nungen der Waaren oder deren Verpackung sowie an Mustern und Modellen für Industrie-Erzeugnisse, denselben Schutz, wie die Inländer geniessen.

Die Unterthanen Ihrer Brittischen Majestät werden aber in Oesterreich-Ungarn das ausschliessliche Eigenthumsrecht an einer Marke oder anderen Bezeichnung, an einem Muster oder Modell nur dann beanspruchen können, wenn sie je zwei Exemplare davon bei der Handelskammer zu Wien und zu Budapest hinterlegt haben.

VII. Der gegenwärtige Vertrag soll am 1. Januar, 1877, in Kraft treten und bis zum 31. Dezember desselben Jahres in Wirksamkeit bleiben.

VIII. Der gegenwärtige Vertrag wird sobald als möglich ratificirt werden und es sollen die Ratifikations-Urkunden bis längstens 31. Dezember, 1876, in Wien ausgetauscht werden.

Zu Urkund dessen haben die beiderseitigen Bevollmächtigten denselben unterzeichnet und ihre Siegel beigedrückt.

So geschehen zu Buda-pest den 5ten Dezember, im Jahre des Herrn Eintausend 1876.

(L.S.) ANDREW BUCHANAN.

(L.S.) ANDRASSY.

oltalmat élvezendik a másik fél területén, mint a belföldiek.

Ő Felsége a nagybirtású királynő alattvalói azonban az osztrák-magyar monarchiában csak akkor fogják a kizárólagos tulajdonjogot valamely védjegy, vagy más jelvény és valamely mustra vagy minta tekintetében igényelhetni, ha azt két-két példányban úgy a bécsi, valamint a Budapesti kereskedelmi kamaránál letették.

VII. Jelen szerződés az 1877. évi Január 1<sup>én</sup>, lép érvénybe és hatályban marad ugyanazon év December 31<sup>éig</sup>.

VIII. Jelen szerződés a lehető legrövidebb idő alatt fog jóvá hagyatni, és a jóváhagyási okmányok legkésőbb 1876. évi December 31<sup>éig</sup> Bécsben ki fognak cseréltetni.

Ennek hiteléül mindkét fél meghatalmazottjai ezen szerződést aláírták és pecsétjeikkel ellátták.

Kelt Budapestén ezernyolczszáz hetvenhatodik évi December 5<sup>én</sup>.

PROTOCOL between Great Britain and Austria respecting Article IV (Principality of Liechtenstein). Buda-Pesth, December 5, 1876.

On proceeding to the signature of the Treaty

Bei der Unterzeichnung des am heutigen

Az osztrák-magyar monarchia és Nagy

of Commerce concluded this day between the United Kingdom of Great Britain and Ireland and the Austro-Hungarian Monarchy, and on the demand addressed to him by the Plenipotentiary of Her Britannic Majesty, the Plenipotentiary of His Majesty the Emperor and King hereby declares that the stipulation contained in paragraph 3 of Article IV only refers to the Customs Union between the said Monarchy and the Principality of Liechtenstein.

The Plenipotentiary of Her Britannic Majesty takes note of this declaration.

The present Protocol, drawn up in duplicate, was signed at Budapesth, on the 5th December, 1876.

Tage zwischen der österreichisch - ungarischen Monarchie und Grossbritannien abgeschlossen Handels-Vertrages erklärt der Bevollmächtigte Seiner Majestät des Kaisers und Königs auf eine von dem Bevollmächtigten Ihrer Brittischen Majestät an ihn gerichtete Anfrage, dass sich die im Punkte 3 des Artikels IV enthaltene Bestimmung nur auf die zwischen der genannten Monarchie und dem Fürstenthume Liechtenstein bestehende Zolleinigung bezieht.

Der Bevollmächtigte Ihrer Brittischen Majestät nimmt von dieser Erklärung Kenntniss.

Das gegenwärtige Protocol ist in doppelter Ausfertigung vollzogen worden. Budapest, am 5ten Dezember, 1876.

ANDREW BUCHANAN.  
ANDRASSY.

Britania közt mai napon megkötött kereskedelmi szerződés aláírása alkalmával a Császár és Király ő Felségének meghatalmazottja O Brit Felsége meghatalmazottja által megkérdesztetvén kijelenti, hogy a IV cikkely 3ik pontjába foglalt megállapodás csak az első helyen említett monarchia és a Liechtenstein fejedelemség között fenálló vámegyesületre vonatkozik.

O Brit Felségének meghatalmazottja e nyilatkozatot tudomásul veszi.

A jelen jegyzőkönyv két példányban állítottat ki.

Budapest, 1876 évi December hó 5én.

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**BRITISH ORDER IN COUNCIL, amending the Table of Fees to be levied by British Consuls in China and Japan.—Osborne, July 21, 1876.\***

At the Court at Osborne House, Isle of Wight, the 21st day of July, 1876.

**PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.**

WHEREAS by the 4th section of the Act of the 6th year of the reign of King George the Fourth, chapter 87,† intituled "An Act to regulate the payment of salaries and allowances to British Consuls at Foreign Ports, and the disbursements at such ports for certain public purposes," it is amongst other things enacted:—"That it shall and may be lawful for all Consuls-General and Consuls ap-

\* "London Gazette," July 28, 1876.

† Vol. XII. Page 377.

pointed by His Majesty, and resident within the dominions of any Sovereign or any foreign State or Power in amity with His Majesty, to accept, take, and receive the several fees particularly mentioned in the Tables to the said Act, annexed for and in respect or on account of the several matters and things, and official acts and deeds, particularly mentioned in the said Schedules; and that it shall and may be lawful for His Majesty, by any Order or Orders to be by him made, by and with the advice of his Privy Council, from time to time as occasion may require, to increase or diminish, or wholly to abolish, all or any of the fees aforesaid, and to establish and authorize the payment of any greater or smaller or new or additional fees or fee for or in respect of the several matters and things mentioned in the said Schedules, or in any of them, or for or in respect of any other matters or things, or matter or thing, to be by any such Consul-General done or performed in the execution of such his office:”

And whereas, by an Order in Council made on the 1st day of May, 1855,\* it was ordered that certain fees mentioned in the Table thereunto annexed should be taken:

And whereas, by an Order in Council made on the 19th of June, 1868,† it was ordered that the several fees mentioned in the Table annexed to the said Order in Council of the 1st of May, 1855, should be abolished as regards fees to be levied by Her Majesty's Consular Officers in China and Japan, and that the several fees mentioned therein should be substituted for the fees so abolished, and should and might be taken by Her Majesty's Consular Officers in China and Japan:

And whereas, by an Order in Council made on the 6th August, 1874,‡ the short title of which is “The China and Japan Maritime Order in Council, 1874,” it was, amongst other things, ordered that fees not exceeding the amounts named in Schedule B thereunto annexed might be taken in respect of the matters mentioned in that Schedule:

And whereas some of the fees mentioned in that Schedule relate to matters and things mentioned in the first part of the Table of Fees annexed to the said Order in Council of the 19th June, 1868:

And whereas it is expedient to abolish such of the fees mentioned in the said first part of the Table of Fees annexed to the said Order in Council of the 19th June, 1868, as are contained in the Schedule hereunto annexed, and to establish and authorize in lieu thereof the payment of the fees set forth in the said Schedule B to the said China and Japan Maritime Order in Council, 1874:

Now, therefore, Her Majesty by virtue of the powers vested in

\* Vol. XLV. Page 601.

† Vol. LVIII. Page 34.

‡ Vol. LXV. Page 485.

her in this behalf by virtue of the hereinbefore recited Act, by and with the advice of Her Privy Council, is pleased to order that the several fees mentioned in the Schedule hereunto annexed for the several matters mentioned therein shall be abolished, and that the fees mentioned in the said Schedule B of the said China and Japan Maritime Order in Council, 1874, shall and may be taken in lieu thereof by Her Majesty's Consular Officers in China and Japan.

And the Right Honourable the Earl of Derby, one of Her Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

C. L. PEEL.

SCHEDULE TO WHICH THE FOREGOING ORDER REFERS.

*Matters in respect of which the Fee is to be taken.*

	Fees.	
	Dols.	cts.
For every declaration made before the Consul in Forms B, C, F, G, H, and L, in the Schedule to "The Merchant Shipping Act, 1854," with a view to the registry, transfers, and transmission of ships, interests in ships, or mortgages on ships .. .. .	1	0
For indorsing a memorandum of change of master upon the certificate of registry .. .. .	0	50
For granting a provisional certificate of registry (this fee to be exclusive of fees on declarations) .. .. .	2	50
For recording a mortgage of a ship or shares in a ship, made under a certificate of mortgage .. .. .	2	50
For recording the transfer of a mortgage of a ship or shares in a ship, made under a certificate of mortgage .. .. .	1	50
For recording the discharge of a mortgage of a ship or shares in a ship, made under a certificate of mortgage .. .. .	2	0
For every sale of a ship or shares in a ship, made before the Consul, under a certificate of sale .. .. .	2	50
For inspection of the register-book of transactions in ships .. .. .	0	25

**ARRANGEMENT for the Exchange of Money Orders between the Money Order Department of India and the Post Office of Denmark.—Signed at Copenhagen, November 29, 1875; and at London, January 4, 1876.**

IN order to establish an exchange of Money Orders between India and Denmark, the Undersigned, duly authorized for that purpose have, subject to ratification, agreed upon the following Articles:—

ART. I. There shall be a regular exchange of Money Orders between India and Denmark by means of the weekly mail service *via* Brindisi.



II. The Money Order business between the two countries shall be performed exclusively through offices of exchange communicating with each other by means of lists, as explained more particularly below, the Money Orders being made out and forwarded to the payees by the office of exchange of the country in which the Orders are payable. The offices of exchange shall be, on the side of India, Bombay, and on the side of Denmark, Korsøer.

III. The amount of Orders exchanged in both directions shall be expressed in sterling money.

IV. The maximum amount for which a Money Order may be drawn in either country upon the other shall be 10%.

V. No Money Order shall contain a fractional part of a penny.

VI. The manner and conditions of issuing Money Orders in either country shall be governed by the regulations in force for the time being in the country of issue.

VII. The cost of Money Orders, *i.e.*, the amounts to be paid for them by the remitters in the currency of the country of issue, shall be governed by the regulations in force for the time being in the country of issue.

Each country shall communicate to the other the regulations relating to the charges for Money Orders issued in force for the time being.

VIII. Applications by remitters for the alteration or correction of the name of the payee shall be received under the regulations of the country of issue, and forwarded to the country of payment for disposal under its regulations, accompanied by such information as may be necessary for the identification of the particular Orders referred to.

Applications by remitters for repayment of Orders shall be received and forwarded in like manner, the repayment being made only under the authority of the country of payment, and according to the regulations of the country of issue.

IX. The conversion of Money Orders into the currency of the country of payment shall be governed by the regulations in force for the time being in the country of payment.

Each country shall communicate to the other the regulations, for the time in force, relating to the conversion of Money Orders expressed in sterling money into its own currency for the purpose of payment.

X. The manner and conditions of paying Orders, including stoppage of payment, renewal of Orders, issue of duplicate Orders, and other services affecting payment, shall be governed by the regulations in force for the time being in the country of payment.

XI. The amount of Money Orders not ultimately paid, *i.e.*, of

Orders which become void under the regulations of the country of payment, shall belong to the country of issue.

XII. The country of issue which collects the money from remitters shall account to the country of payment for the total amount of the Orders issued, together with 1 per cent. additional on the total by way of commission.

XIII. The two offices of exchange shall communicate to each other by each mail the particulars of Money Orders issued by means of lists of the annexed forms marked A and AA, giving all particulars for which provision is made in the forms.

The particulars as to names shall include the surname, and at least the initial of one Christian name, both of the remitter and of the payee, or, in the case of natives of India, the name, tribe or caste, and father's name, or the name of the firm or company who are the remitters or payees. The address of the payee must be given fully and precisely, as on it depends the determination by the receiving office of exchange of the office where the Order shall be made payable.

XIV. Besides the particulars of Money Orders issued, the lists mentioned in Article XIII shall contain particulars of Orders authorized to be repaid to the remitters.

XV. Blank lists shall be forwarded in case there shall be no Money Orders to communicate.

XVI. Should any list fail to be received in due course, the despatching office shall, on receiving information to that effect, transmit without delay a duplicate thereof.

XVII. The lists despatched from each office of exchange shall be numbered consecutively, commencing with No. 1 for the first list of each calendar year, and these numbers shall be termed the "List numbers."

XVIII. The entries in the lists respecting Orders issued shall also bear consecutive numbers, commencing with No. 1 for each list, and these numbers shall be termed the "Entry numbers."

XIX. Each list shall be accompanied by a transmitting letter of the form annexed, bearing the same number and date as the list. This transmitting letter shall mention the number of applications forwarded from remitters affecting Orders previously issued; it shall give information respecting the disposal of similar applications received from the other office of exchange, and it shall contain an acknowledgment of the list or lists received since the date of the previous letter.

XX. Each list shall be carefully verified by the receiving office of exchange, and corrected when it contains simple errors, such corrections being noted at the foot of the transmitting letter containing the acknowledgment of the receipt of the list.

XXI. When a list shall contain errors or irregularities which cannot be rectified without previous communication with the despatching office, the receiving office shall, at the time of acknowledging the receipt, request an explanation from the despatching office. This explanation shall be given with as little delay as possible, and meantime the payment of Orders dependent on the irregular entries shall be suspended.

XXII. As soon as the Danish office of exchange shall have received from India acknowledgments of the receipt of all the lists bearing dates in any quarter, these lists, as well as the Indian lists bearing dates in the same quarter, shall be made the subject of a quarterly account in the annexed Form B.

XXIII. The account mentioned in Article XXII shall be based on the lists as corrected by the receiving office, any entries at the time under suspension pending explanation being excluded.

XXIV. The account shall also include, under the head of "Special Items," any necessary adjustments of previous accounts (such as adjustments on account of suspended entries), as well as any other items of account not otherwise provided for, a detailed statement of such special items being annexed to the account, and the correspondence or other documents forming the authority for each special item being quoted opposite it in the statement.

XXV. The account shall be prepared in duplicate, one copy being forwarded to the Indian office of exchange, and the other through the General Post Office, Copenhagen, to the Financial Secretary, India Office, London, for payment by bill of exchange on Copenhagen, if the balance be in favour of Denmark, and with payment by bill of exchange on London, if the balance be in favour of India.

In the case of payment to Denmark, the bill of exchange on Copenhagen shall be for an amount in Danish currency equivalent, at the current rate of exchange, to the balance in sterling money stated in the account.

XXVI. Each office shall have authority to suspend temporarily the exchange of Money Orders, in case the course of exchange, or any other circumstance, shall give rise to abuses, or cause detriment to the revenue.

XXVII. For ordinary correspondence, affecting the preparation, transmission, or correction of lists, accounts, &c., the offices of exchange shall be the medium; but in matters involving questions other than detail, the offices of correspondence shall be the General Post Office, Copenhagen, on the one hand, and the office of the Controller-General of Accounts, Money Order Department, Calcutta, on the other hand.

XXVIII. The Department charged with the control of Money

Orders in either country shall have authority to adopt any additional rules (if not repugnant to the foregoing) for the greater security against fraud, or for the better working of the system generally. All such additional rules, however, shall be communicated by the one Department to the other.

XXIX. The present arrangement shall take effect on the 1st April, 1876. It shall then continue in force until one year after the date at which one of the Contracting Parties shall have notified the other of its intention to terminate it.

Executed in duplicate and signed : at London, the 4th of January, 1876 ; at Copenhagen, the 29th of November, 1875.

A. M. MONTEATH, *Director-General of  
the Post Office.*

SCHON, *Director-General of the Post.*

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(*Transmitting Letter.*)

List No.                      , despatched from  
Dated the                      , 187 .

SIR,

I TRANSMIT to you herewith a list bearing the above-mentioned number and date, containing a detailed statement of Money Orders payable by your Department, and also of void Orders, and of Money Orders drawn by your Department and now authorized to be repaid to the remitters.

I forward herewith, for disposal by you,                      applications, on each of which there has been noted :—

1. A serial " Application No.                      " (which can be quoted by you in any reference thereto) ;
2. The number and date of the list in which the Order referred to was originally entered ; and,
3. The entry number under which it was entered in the list.

Annexed is a memorandum, showing how the applications received from you up to date have been disposed of ; those entered as " not yet disposed of " will continue to be quoted in future letters until they are disposed of.

Since the despatch of my last list I have received your list No.                      , dated                      , which was found to be correct, with the exception noted below.

I am,  
Sir,

Your obedient servant,

To the Controller, Money Order Exchange Office, Korsør,

or

To the Controller, Money Order Office, Bombay.

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A. From Bombay to Korsøer.  
No. , dated 187 .  
List of Money Orders drawn in India upon Denmark.

Particulars to be furnished by the Bombay Office.						For the use of the Danish Office.				
Entry No.	Date of Receipt given to Remitter.	Office by which the Money was received.	Name and Address of Remitter.	Name of Payee.	Address of Payee.	Amount of Order.			Equivalent in Danish Money.	No. of Danish Money Order.
						£	s.	d.		
									Kron.	Ore.
					Total ...					

List of Void Money Orders, as well as of Money Orders for Repayment of which to Remitters in Denmark authority is hereby given.

Danish (A.A.) List in which the Orders were originally included.						For the use of the Danish Office.	
List No.	Date.	Entry No.	Name and Address of Remitter as given therein.	Amount of Order.		Equivalent in Danish Money.	No. of Danish Money Order.
				£	s.	d.	Ore.
			Total ...				

N.B.—Void Orders entered in this List should be distinguished by the word "void" added opposite the number in Column 1.

AA. From Korsøer to Bombay.  
 No. , dated 187 .  
 List of Money Orders drawn in Denmark upon India.

Particulars to be furnished by the Danish Office.										For the use of the Bombay Office.					
Entry No.	Original No. of Money Order.	Office in which the Money Order was paid in.	Name and Address of Remitter.	Name of Payee.	Address of Payee.	Amount of Order.			Equivalent in Indian Money.			Office where payable.	No. of Indian Money Order.	Date of Indian Money Order.	Remarks.
						£	s.	d.	B.	A.	P.				
					Total ...										

List of Void Money Orders, as well as of Money Orders for the Repayment of which to Remitters in India authority is hereby given.

Indian (A) List in which the Orders were originally included.							For the use of the Bombay Office.					
List No.	Date.	Entry No.	Name and Address of Remitter as given therein.	Amount of Order.			Equivalent in Indian Money.		Office where payable.	No. of Indian Money Order.	Date of Indian Money Order.	Remarks.
				£	s.	d.	B.	A.				
			Total ...									

N.B.—Void Orders entered in this List should be distinguished by the word "void" added opposite the number in Column I.

**B.**

Quarterly Account of Money Order Exchanges between Denmark and India,  
prepared by the Danish Office of Exchange, for the Quarter  
187 .

[illegible]

*DECLARATION between Great Britain and Russia, recording the Accession of Great Britain (including Gibraltar and India) to the International Telegraphic Convention, signed at St. Petersburg, July 14, 1875.—Signed at St. Petersburg, <sup>December 26, 1875,</sup> January 7, 1876.*

### DECLARATION.

Le Soussigné, Ambassadeur Extraordinaire et Plénipotentiaire de Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande près Sa Majesté l'Empereur de Toutes les Russies, déclare que Sa Majesté Britannique, après avoir eu communication de la Convention Télégraphique Internationale, conclue à St. Pétersbourg le 14 Juillet, 1875, usant du droit réservé par l'Article XVIII de cette Convention aux États non-signataires, accède, pour le Royaume Uni de la Grande Bretagne et d'Irlande, ainsi que pour ses Colonies de Gibraltar et des Indes, à la dite Convention Télégraphique Internationale, laquelle est censée insérée mot à mot dans la présente Déclaration, et s'engage formellement envers Sa Majesté l'Empereur de Toutes les Russies, et les autres Hautes Parties Contractantes, à concourir de son côté à l'exécution des stipulations contenues dans la dite Convention Télégraphique.

En foi de quoi le Soussigné, dûment autorisé, a signé la présente Déclaration d'Accession, et y a apposé le sceau de ses armes.

Fait à St. Pétersbourg, le <sup>26 Décembre, 1875,</sup> 7 Janvier, 1876.

AUGUSTUS LOFTUS.

*La Convention Internationale Télégraphique. Conclue à St. Pétersbourg, le 14 Juillet, 1875.*

[See Vol. LXVI. Page 19.]

### DECLARATION.

Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande ayant accédé à la Convention Télégraphique Internationale conclue à St. Pétersbourg le 14 Juillet, 1875, par la Déclaration d'Accession, dont la teneur suit:—

“ Le Soussigné, Ambassadeur Extraordinaire et Plénipotentiaire de Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande près Sa Majesté l'Empereur de Toutes les Russies, déclare que Sa Majesté Britannique, après avoir eu communication de la Convention Télégraphique Internationale conclue à St. Pétersbourg le 14 Juillet, 1875, usant du droit réservé par l'Article XVIII de cette Convention aux États non-signataires, accède, pour le Royaume



Uni de la Grande Bretagne et d'Irlande, ainsi que pour ses Colonies de Gibraltar et des Indes, à la dite Convention Télégraphique Internationale, laquelle est censée insérée mot à mot dans la présente Déclaration, et s'engage formellement envers Sa Majesté l'Empereur de Toutes les Russies, et les autres Hautes Parties Contractantes, à concourir de son côté à l'exécution des stipulations contenues dans la dite Convention Télégraphique.

"En foi de quoi le Soussigné, dûment autorisé, a signé la présente Déclaration d'Accession, et y a apposé le sceau de ses armes.

"Fait à St. Pétersbourg, le <sup>26 Décembre, 1875.</sup>  
7 Janvier, 1876.

"AUGUSTUS LOFTUS."

Le Chancelier de l'Empire de Russie, dûment autorisé, déclare que le Gouvernement Impérial accepte formellement la dite Accession, tant en son-nom qu'au nom des autres Hautes Puissances Contractantes, et s'engage à exécuter envers Sa Majesté Britannique toutes les stipulations contenues dans la dite Convention.

En foi de quoi le Soussigné a signé la présente Déclaration, et l'a revêtu du cachet de ses armes.

Fait à St. Pétersbourg, le <sup>26 Décembre, 1875.</sup>  
7 Janvier, 1876.

GORTCHACOW.

*DECLARATION between Great Britain and Switzerland, recording the Adhesion of British India to the General Postal Union of October 9, 1874.\*—Signed at Berne, July 1, 1876.*

Un arrangement concernant l'entrée de l'Inde Britannique dans l'Union Générale des Postes ayant été conclu à Berne le 27 Janvier, 1876, entre les Délégués du Gouvernement Britannique et les Délégués des Administrations intéressées faisant partie de l'Union Postale, et aucune objection contre cet arrangement, à la suite de la communication qui en a été faite à tous les membres de l'Union par circulaire du 29 Janvier, 1876, n'ayant été présentée dans le délai de 6 semaines, prescrit par l'Article XVII, paragraphe 6, du Traité de Berne du 9 Octobre, 1874 ;

Les Soussignés, dûment autorisés à cet effet, constatent par le présent Acte Diplomatique l'adhésion définitive du Gouvernement Britannique pour l'Inde Britannique aux stipulations du Traité concernant la création d'une Union Générale des Postes, conclu à Berne le 9 Octobre, 1874, ainsi qu'aux dispositions du Règlement de détail pour l'exécution du dit Traité.

Fait à Berne, le 1<sup>er</sup> Juillet, 1876.

Pour le Gouvernement du Royaume Uni de Grande Bretagne et d'Irlande et pour le Gouvernement de l'Inde Britannique.

(L.S.) EDWIN CORBETT, *Ministre Résident  
de Sa Majesté Britannique près la  
Confédération Suisse.*

Pour le Conseil Fédéral Suisse au nom des Membres de l'Union.

(L.S.) WELTI, *Président de la Confédération.*

**POSTAL AGREEMENT** between Great Britain and the United States.—Signed at Washington, October 6, 1876.

**SPECIAL ARRANGEMENT** between the General Post Offices of the United Kingdom and the United States, fixing Rates of Territorial Transit Charges on British Closed Mails conveyed across the American Continent, between Boston or New York and San Francisco.

WHEREAS Article X of the Treaty concerning the formation of a General Postal Union, signed at Berne, October 9, 1874,\* provides that the territorial transit charges on the mails conveyed across the United States of America by the railways between New York and San Francisco shall continue to form the object of special arrangements between the Post Offices concerned ;

And whereas the territorial transit rates for the conveyance of correspondence in closed mails through the United States, fixed by Article XI of the Postal Convention of 1<sup>st</sup> November, 1868,† between the General Post Office of the United Kingdom of Great Britain and Ireland and the General Post Office of the United States of America, were by a notice of one year terminated on the 24th August, 1876 ;

The Undersigned, being thereunto duly authorized by their respective Governments, and acting for and in behalf of the General Post Offices of the United Kingdom and of the United States respectively, do hereby agree that the territorial transit charges to be paid by the British Post Office to the United States Post Office on the British closed mails conveyed on and after the 24th August, 1876, across the territory of the United States between Boston or New York and San Francisco shall be 6 francs per kilogramme of letters, and 2 francs per kilogramme of newspapers, other printed matter, and patterns and samples of merchandize.

This Agreement shall be terminable at any time on a notice by either Office of one year.

\* Vol. LXV. Page 13.

† Vol. LVIII. Page 74.

In testimony whereof the Undersigned have subscribed their names and affixed their seals hereto, at Washington, in duplicate original, this 6th day of October, 1876.

(L.S.) EDWD. THORNTON, *H.B.M.'s Minister.*

(L.S.) JAS. N. TYNER, *Postmaster-General of the United States.*

*DECLARATION between Great Britain and Italy, prolonging the Duration of the Treaty of Commerce and Navigation of August 6, 1863.\*—Signed at Rome, May 22, 1876.†*

WHEREAS the Treaty of Commerce and Navigation between Great Britain and Italy of 6th August, 1863, would cease to be in force on the 26th June, 1876, in consequence of a denunciation made by the Italian Government, and the two Governments having recognized the utility of prolonging its duration, the Undersigned, duly authorized to this effect, have agreed to declare as follows:—

The Treaty of Commerce and Navigation between Great Britain and Italy of the 6th August, 1863, will continue to remain in force until the 30th April, 1877.

In faith of which they have signed the present Declaration, made in duplicate, and have affixed their seals.

Done at Rome, on the 22nd of May, 1876.

(L.S.) A. B. PAGET.

(L.S.) MELEGARI.

*DECLARATION between Great Britain and Roumania, for regulating provisionally the Commercial Relations between the Two Countries.†—Signed at London, November 30, 1876.*

THE Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the Government of His Highness the Prince Charles of Roumania, being desirous of provisionally regulating the relations between the two countries during the period of time necessary for the negotiation and conclusion of a Convention of Commerce, the Undersigned, duly authorized for this purpose, have agreed upon the following provisions:—

Produce of British origin, or coming from Great Britain, im-

\* Vol. LIII. Page 33.

† Signed also in the Italian language.

† Signed also in the French language.

ported into Roumania, and produce of Roumanian origin, or coming from Roumania, imported into the United Kingdom, shall be respectively subject, with regard to import, export, or transit dues, with regard to re-exportation, brokerage, and warehousing, to local dues, and with regard to Customs formalities, to the same treatment as the produce of the most favoured nation.

The Government of His Highness the Prince Charles of Roumania, and the Government of His Majesty the Emperor of Austria, King of Hungary, having agreed to secure to each other certain special advantages for the exchange and circulation of the produce of bordering districts, these advantages shall not be claimed by the United Kingdom.

If it be not expressly renewed, the present provisional arrangement shall terminate on the 12th of May (30th of April), 1877.

In witness whereof the Undersigned have drawn up the present Declaration, and have affixed thereto the seals of their arms.

Done in duplicate at London, the 30th day of November, 1876.

(L.S.) DERBY.

(L.S.) JON GHICA.

*REPORT of the British and French Commissioners for the Channel Tunnel and Railway.—London, May 31, 1876.*

*The Channel Tunnel Commissioners to the Secretary to the Treasury.*  
 Sir, *Foreign Office, May 31, 1876.*

WE have the honour to transmit herewith a Report signed by ourselves and the French Commissioners, inclosing a Memorandum which the Joint Commission recommends should be adopted as the basis of the proposed Treaty between Great Britain and France with regard to the Channel Tunnel and Railway; and we should be obliged by your submitting the same to the Lords Commissioners of Her Majesty's Treasury.

We have, &c.,

H. W. TYLER.

C. M. KENNEDY.

*(Inclosure 1.)—Report.*

THE Undersigned, the Commissioners appointed by the Governments of Great Britain and France to consider the conditions upon which the two Governments should, by means of a Treaty for that purpose,

LES Commissaires soussignés, nommés par les Gouvernements de France et de la Grande Bretagne pour examiner à quelles conditions les deux Puissances pourraient s'entendre, par le moyen d'un Traité spécial, rela-

come to an understanding with respect to the proposed Tunnel and Submarine Railway, met at Paris from the 29th of January to the 5th February, and at London from the 22nd to the 30th of May, 1876. After having considered and discussed the various questions to be dealt with in connection with this enterprise, they submit to the two Governments the accompanying Memorandum, which they recommend should be adopted as the basis of the proposed Treaty between Great Britain and France with regard to the said Tunnel and Railway.

H. W. TYLER.

C. M. KENNEDY.

HORACE WATSON.

CH. GAVARD.

C. KLEITZ.

A. DE LAPPARENT.

tivement au projet de Tunnel et de Chemin de Fer Sous-marin, se sont réunis à Paris du 29 Janvier au 5 Février, et à Londres du 22 au 30 Mai, 1876.

Après avoir examiné et discuté les diverses questions qui se rattachent à cette entreprise, ils viennent soumettre aux deux Gouvernements le projet ci-joint qu'ils proposent pour servir de base au Traité à conclure entre la France et l'Angleterre relativement à l'entreprise du Tunnel et du Chemin de Fer Sous-marin.

CH. GAVARD.

C. KLEITZ.

A. DE LAPPARENT.

H. W. TYLER.

C. M. KENNEDY.

HORACE WATSON.

(Inclosure 2.)

*Memorandum.*

1. THE boundary between England and France in the Tunnel shall be half-way between low-water mark (above the Tunnel) on the coast of England, and low-water mark (above the Tunnel) on the coast of France. The said boundary shall be ascertained and marked out under the direction of the International Commission to be appointed, as mentioned in Article 4, before the Submarine Railway is opened for public traffic. The definition of boundary provided for by this Article shall have reference to the Tunnel and Submarine Railway only, and shall not in any

*Projet.*

1. LA frontière entre l'Angleterre et la France dans le Tunnel sera fixée au milieu de la distance séparant la ligne des basses eaux (au-dessus du Tunnel), sur la côte d'Angleterre, de la ligne des basses eaux (au-dessus du Tunnel) sur la côte de France. Avant la mise en exploitation du Chemin de Fer Sous-marin, la susdite frontière sera déterminée et tracée sous la direction de la Commission Internationale qui sera instituée ainsi qu'il est dit à l'Article 4.

La définition de frontière faisant l'objet du présent Article s'appliquera uniquement au

way affect any question of the nationality of, or any rights of navigation, fishing, anchoring, or other rights in, the sea above the Tunnel, or elsewhere than in the Tunnel itself.

2. The French section of the Submarine Railway shall be constructed, maintained, and worked in conformity with the French laws, and with that of the 2nd August, 1875,\* in particular, subject to the provisions of the Treaty to be concluded between the two Governments. The English section of the Submarine Railway shall, subject to the provisions of the Treaty to be concluded between the two Governments, be constructed, maintained, and worked in accordance with such conditions as Her Majesty may, by Order in Council, hereafter impose in connection with the undertaking of the said Company (as specified in "The Channel Tunnel Company, Limited, Act, 1875"†), with such, if any, modifications as may hereafter be made by Act of Parliament.

3. Within five years from the 2nd of August, 1875, the French Company shall be bound to conclude an agreement in writing with an English Company, and reciprocally the English Company shall be bound to conclude an agreement in writing with a French Company, with a view to the construction, maintenance, and working of the Sub-

Tunnel et au Chemin de Fer Sous-marin; elle n'aura aucun effet relativement aux questions de nationalité, de droits de navigation, de pêche et d'ancrage, ou autres droits sur la mer au-dessus du Tunnel ou ailleurs que dans le Tunnel même.

2. La section Française du Chemin de Fer Sous-marin sera construite, entretenue et exploitée conformément aux lois Françaises, et notamment à celle du 2 Août, 1875,\* sous réserve des dispositions du Traité à conclure entre les deux Gouvernements. La section Anglaise du Chemin de Fer Sous-marin sera, sous réserve des dispositions du Traité à conclure entre les deux Gouvernements, construite, entretenue et exploitée conformément aux conditions que Sa Majesté pourra, dans la suite, par un Ordre en Conseil (by Order in Council) imposer relativement à l'entreprise de la dite Compagnie (comme cela est spécifié dans "The Channel Tunnel Company, Limited, Act, 1875"†), avec toutes les modifications qui pourront y être introduites ultérieurement par Acte du Parlement.

3. Dans un délai de cinq ans à partir du 2 Août, 1875, la Compagnie Française sera tenue de passer un contrat avec une Compagnie Anglaise, et, réciproquement, la Compagnie Anglaise sera tenue de passer un contrat avec une Compagnie Française, en vue d'exécuter, d'entretenir et d'exploiter le Chemin de Fer Sous-marin.

\* Vol. LXVI. Page 484.

† Vol. LXVI. Page 481.

marine Railway. This term, "Submarine Railway," applies throughout the present Protocol to the Tunnel, to the Railway, and to all the works connected therewith, such railway being bounded in France by its junction with the railway from Boulogne to Calais, and in England by its junctions with the South-Eastern and London, Chatham and Dover Railways.

This term does not include the works mentioned hereafter in Article 16.

4. There shall be constituted an International Commission to consist of six members, three of whom shall be nominated by the British Government, and three by the French Government.

The International Commission shall advise the two Governments on all questions relating to the construction, the maintenance, and the working of the Submarine Railway, and shall have power, on giving notice to the respective Companies, to make such inspections as they consider necessary, and the Companies shall be bound in every way to facilitate such inspections, and to cause their delegates to be present. Each Company shall render annually to its Government an account of its receipts and expenses in such form as the Governments shall approve, after hearing the International Commission, and shall, if required, afford to its Government the necessary facilities for comparing such accounts with the books of the Company. If at any time

Cette dénomination de Chemin de Fer Sous-marin s'applique, dans tout le présent Protocole, au Tunnel, à la ligne et à tous les ouvrages et immeubles qui en dépendent, la dite ligne ayant pour limites, en France, sa jonction avec le Chemin de Fer de Boulogne à Calais, et en Angleterre ses jonctions avec les Chemins de Fer South-Eastern et London, Chatham and Dover.

Cette dénomination ne comprend pas les travaux mentionnés à l'Article 16 ci-après.

4. Il sera institué une Commission Internationale composée de six membres, dont trois seront nommés par le Gouvernement Anglais, et trois par le Gouvernement Français.

La Commission Internationale donnera son avis aux deux Gouvernements sur toutes les questions relatives à la construction, à l'entretien, et à l'exploitation du Chemin de Fer Sous-marin.

Elle aura le droit, en donnant avis aux Compagnies respectives, de faire toutes les inspections qu'elle jugera convenables, et les Compagnies devront faciliter ces inspections de toutes manières et s'y faire représenter par des délégués.

Chaque Compagnie présentera à son Gouvernement un compte annuel de ses recettes et de ses dépenses, sous la forme qui sera approuvée par les Gouvernements, la Commission Internationale entendue; et si elle en est requise, elle devra fournir à son Gouvernement les facilités nécessaires pour la comparaison

any difference shall arise between the two Companies as regards the construction, maintenance, or working of the Submarine Railway, such difference shall be settled by the two Governments after having taken the opinion of the International Commission, subject to such legal actions as the Companies may bring in conformity with the Conventions concluded between them and with the legislation of the two countries.

The Commission shall meet at all times when it shall consider it convenient to do so, and at least twice in each year. It shall also meet at any time at the request of either Government. But no meeting shall be valid unless there be present at least two members appointed by each Government. If, at any meeting of the International Commission, the members present of the one nationality shall differ in opinion from the members present of the other nationality, reference shall be made to the respective Governments.

The International Commission shall report every year to the respective Governments, both upon its own proceedings and upon questions connected with the Submarine Railway. It shall, moreover, submit to the two Governments its proposals for Supplementary Conventions with respect—

(a.) To the apprehension and trial of alleged criminals for offences committed in the Tunnel

de ces comptes avec les livrés de la Compagnie.

Toute difficulté entre les deux Compagnies relativement à la construction, à l'entretien, et à l'exploitation du Chemin de Fer Sous-marin sera tranchée par les deux Gouvernements, sur l'avis de la Commission Internationale, sous la réserve des actions juridiques que les Compagnies pourraient exercer conformément aux Conventions conclues entre elles et à la législation des deux États.

La Commission se réunira toutes les fois qu'elle le jugera convenable, et au moins deux fois par an. Elle se réunira aussi à toute époque, à la demande de l'un ou l'autre des Gouvernements. Mais elle ne pourra délibérer valablement qu'autant que deux membres au moins de chaque nationalité seront présents. Si, à une réunion de la Commission Internationale, les membres présents d'une nationalité sont d'une opinion contraire à celle des membres présents de l'autre nationalité, il en sera référé aux Gouvernements respectifs.

La Commission fera, chaque année, un rapport aux deux Gouvernements, tant sur ses propres travaux que sur les questions qui se rattachent au Chemin de Fer Sous-marin. Elle soumettra, d'ailleurs, aux deux Gouvernements ses propositions pour des Conventions supplémentaires relatives—

(a.) À l'arrestation et au jugement des accusés pour délits commis, soit dans le Tunnel, soit



or in trains which have passed through it, and the summoning of witnesses ;

(b.) To Customs, police, and postal arrangements, and other matters which it may be found convenient to deal with.

5. On the completion of the Submarine Railway, the International Commission shall cause it to be inspected as they may see fit on behalf of the two Governments, and after such inspection, and on receiving from the International Commission their recommendation in writing, but not before, the Submarine Railway shall be opened for traffic.

6. One set of regulations shall be applicable to the Submarine Railway as a whole ; the regulations to be subject to the approval of the two Governments on the recommendation of the International Commission ; the tariff of maximum charges shall be fixed in accordance with the tariff hereto annexed.

7. Each Company shall be responsible for keeping in good and substantial repair the portion of the Submarine Railway situated within its own country ; and in case of default, the two Governments, on the recommendation of the International Commission, shall have power, each in its own country, to execute, as may seem right, all necessary works and repairs. The two Governments shall also have power, each in its own country, to receive all moneys payable to

dans des trains y ayant circulé, et à la citation des témoins ;

(b.) Aux dispositions de douanes, police, et postes, et autres matières que l'on jugera utile de traiter.

5. Après l'achèvement du Chemin de Fer Sous-marin, la Commission Internationale fera procéder, de la manière qu'elle jugera convenable, et au nom des Gouvernements, à l'inspection du Chemin de Fer Sous-marin. Après cette inspection et sur la remise d'un avis favorable de la dite Commission, consigné par écrit, et non auparavant, le Chemin de Fer Sous-marin pourra être livré à l'exploitation.

6. Une série de règlements devra être appliquée au Chemin de Fer Sous-marin dans son ensemble. Les règlements devront être approuvés par les deux Gouvernements sur l'avis de la Commission Internationale. Le maximum des prix sera déterminé conformément au tarif ci-joint.

7. Chaque Compagnie sera responsable du maintien en bon état d'entretien de la portion du Chemin de Fer Sous-marin située dans son propre pays, et, à son défaut, les Gouvernements, sur l'avis de la Commission Internationale, auront le pouvoir, chacun dans leur pays, d'exécuter, comme ils le jugeront convenable, tous les travaux et réparations nécessaires. Ils auront également le droit, chacun dans leur pays, de percevoir toutes sommes payables entre les mains des Com-

the Companies, until the expenses of such works and repairs are covered. These moneys shall be collected in each country in accordance with the existing laws.

8. The Concession granted by each Government shall be for a term of 99 years from the opening of the Submarine Railway. At the date fixed for the termination of the Concession, or at an earlier period in the event of the forfeiture of the Concession, pronounced in the manner laid down in Article 10 below, each Government shall become possessed of all the rights of the Company established on its territory, in and over the Submarine Railway in such country, and shall enter immediately into the enjoyment of all the revenues of the Company.

The Company, in each country, shall be bound to hand over to the Government in a good state of repair the portion of the Submarine Railway in such country.

During the five years preceding the date fixed for the end of the Concession, the Government of each country shall have the right to receive the revenues of the Company established in its own country, in order to apply them to the maintenance of the said portion, unless the Company takes steps to carry out this engagement fully and entirely.

With regard to the rolling-stock, movables, and stores of all

pagnies respectives, jusqu'à concurrence des dépenses des dits travaux et réparations. Cette perception se fera, dans chaque pays, conformément aux lois existantes.

8. La Concession sera accordée par chaque Gouvernement pour une période de 99 ans, à partir de la mise en exploitation du Chemin de Fer Sous-marin. À la date fixée pour l'expiration de la Concession, ou à une époque antérieure en cas de déchéance de la Concession, prononcée dans les formes prescrites par l'Article 10 ci-après, chacun des Gouvernements sera mis en possession de tous les droits que la Compagnie établie sur son territoire possède sur le Chemin de Fer Sous-marin dans ce pays, et entrera immédiatement en jouissance de tous les revenus de la Compagnie.

La Compagnie, dans chaque pays, sera tenue de livrer au Gouvernement, en bon état d'entretien, la portion du Chemin de Fer Sous-marin située dans ce pays.

Dans les cinq années qui précéderont la date fixée pour l'expiration de la Concession, le Gouvernement de chaque pays aura le droit de percevoir les revenus de la portion du Chemin de Fer Sous-marin dans son pays, pour les appliquer à l'entretien de la dite portion, si la Compagnie ne se mettait pas en mesure de satisfaire pleinement et entièrement à cette obligation.

Quant au matériel roulant, au mobilier et aux approvisionne-

kinds, the furniture and tools of workshops and stations, each Government shall be bound, at the request of the Company established in its own country, to take all the above-mentioned objects at a valuation, which shall be made in such manner as may be provided by the laws of the country; and reciprocally, if the Government requires it, the Company shall be bound to give up, under the same conditions, the rolling-stock and other things above-mentioned.

The Government, however, will only be bound to take over the stores necessary for working the railway for six months from the end of the Concession.

9. The work of exploration shall be commenced within one year from the 1st July, 1876.

If, within five years from the 2nd of August, 1875, the concessionnaires have not been able to conclude the agreement referred to in Article 8, or if, in consequence of the result of the borings and other preparatory works, they recognize the impossibility of carrying out the undertaking, the Companies shall have the right of abandoning the Concessions.

Within five years from the 2nd of August, 1875, each Company is to declare to its own Government whether such Company proposes to retain the Concession. This period of five years can, however, on the application of the Company, be extended in

mments de toute nature, aux appareils et outils garnissant les ateliers et les stations, chaque Gouvernement sera tenu, sur la demande de la Compagnie établie sur son territoire, d'acquiescer les objets ci-dessus désignés, suivant une évaluation qui sera faite conformément aux lois du pays; et, réciproquement, si le Gouvernement le demande, la Compagnie sera tenue de livrer, dans les mêmes conditions, le matériel roulant et autres objets ci-dessus désignés.

Toutefois le Gouvernement ne sera tenu d'acquiescer que les approvisionnements nécessaires pour l'exploitation pendant six mois, à partir de l'expiration de la Concession.

9. Les travaux d'exploration devront être commencés dans un délai d'un an à partir du 1<sup>er</sup> Juillet, 1876.

Si, dans un délai de cinq ans à partir du 2 Août, 1875, les concessionnaires n'ont pu réussir à passer le contrat mentionné dans l'Article 8, ou si, par suite du résultat des sondages et autres travaux préparatoires, ils reconnaissent l'impossibilité de donner suite à l'entreprise, les Compagnies auront le droit de renoncer aux Concessions.

Dans un délai de cinq ans à dater du 2 Août, 1875, chaque Compagnie devra déclarer à son Gouvernement si elle a l'intention de conserver la Concession. Ce délai de cinq ans pourra néanmoins, sur la demande de la Compagnie et si le Gouvernement le

either country by the Government, at its discretion, for three farther years, that is to say, for eight years from the 2nd of August, 1875.

In default of such declaration having been made by either Company within the above periods, and also if either Company should declare its intention of abandoning the undertaking, the Concession to the Company making such default or declaration shall be considered as null and void; and action shall be taken in accordance with the provisions of Article 10. If one of the two Companies abandon its Concession, the two Governments shall consult as to the measures to be adopted, without the other Company being entitled to raise any objection or to lay claim to any indemnity.

Twenty years, to date from the day on which the Company shall declare its intention to retain the Concession, shall be allowed for the completion of the Submarine Railway and the opening of the said railway for public traffic.

10. At the expiration of each of the periods mentioned in the preceding Article, the Companies shall cease to have the right to commence or to execute the works which should have been commenced or executed within the period which has so expired; and if at any time after the works have been commenced the Companies shall, for a period of one year, without such cause

juge convenable, être prorogé, dans chaque pays, de trois années, ce qui portera sa durée totale à huit années à partir du 2 Août, 1875.

Faute par l'une ou l'autre Compagnie d'avoir fait la déclaration dans le délai ci-dessus mentionné, et aussi dans le cas où l'une ou l'autre des Compagnies déclarerait qu'elle a l'intention d'abandonner l'entreprise, la Concession accordée à la Compagnie qui se serait placée dans l'un de ces deux cas sera considérée comme nulle et non avenue, et il sera procédé conformément aux dispositions de l'Article 10. Si une seule des deux Compagnies renonce à la Concession, les deux Gouvernements aviseront aux mesures à prendre sans que l'autre Compagnie soit admise à élever aucune réclamation ni à prétendre à aucune indemnité.

Vingt ans, à partir du moment où la Compagnie aura déclaré vouloir conserver la Concession, seront accordés pour l'achèvement du Chemin de Fer Sous-marin, et la mise en exploitation du dit Chemin de Fer.

10. À l'expiration de chacun des termes mentionnés dans l'Article précédent, les Compagnies cesseront d'avoir le droit de commencer ou d'exécuter les travaux qui auraient dû être commencés ou exécutés dans la période expirée; et, à toute époque après le commencement des travaux, si les Compagnies cessent, pendant une période d'un an, sans un motif jugé valable par les

as the respective Governments, after hearing the International Commission, may consider reasonable, cease to carry on the works, and if the Submarine Railway be not opened for public traffic before the expiration of the period of 20 years mentioned in the preceding Article, or if at any time the Companies, without such cause as the respective Governments, after hearing the International Commission, may consider reasonable, cease for a period of six months to work the Submarine Railway, in conformity with the rules laid down by their Governments; then, and in any of such cases, the Concessions granted to the Company in fault shall be liable to forfeiture, which forfeiture shall be enforced according to the laws for the time being of each country respectively.

The forfeiture can only be pronounced by a Government against a Company after the necessity of that forfeiture has been recognized by the joint agreement of the two Governments on the recommendation of the International Commission.

11. Each Company may, at any time during the construction of the works, abandon its Concession, on proving to the satisfaction of its Government the impossibility of continuing the said works.

In such case forfeiture shall be declared and enforced according to the provisions of the Law granting the Concession in

Gouvernements respectifs, la Commission Internationale entendue, de poursuivre les travaux, et si le Chemin de Fer Sous-marin n'est pas mis en exploitation avant l'expiration de la période de 20 années mentionnée dans l'Article précédent, ou si, à toute époque, les Compagnies, sans un motif jugé valable par les Gouvernements respectifs, la Commission Internationale entendue, cessent, pendant une période de six mois, d'exploiter le Chemin de Fer Sous-marin, conformément aux règles prescrites par ces Gouvernements; alors, et dans un quelconque de ces cas, celle des Compagnies qui aura été en faute encourra la déchéance, et il sera procédé à cette déchéance suivant la législation en vigueur à ce moment dans chaque pays.

La déchéance ne pourra être prononcée par un Gouvernement contre une Compagnie que lorsque la nécessité de cette mesure aura été reconnue d'un commun accord par les deux Gouvernements, sur l'avis de la Commission Internationale.

11. Chaque Compagnie pourra, à toute époque, durant l'exécution des travaux, renoncer au bénéfice de la Concession, dans le cas où l'impossibilité de continuer les dits travaux serait dûment constatée par le Gouvernement dont elle relève.

Dans ce cas la déchéance sera prononcée, et il sera procédé conformément aux stipulations de la Loi de Concession Fran-

France or of the Act of Parliament in Great Britain.

12. At any time after the end of 30 years from the opening of the Submarine Railway, each Government shall have the right to purchase the undertaking of the Company established on its territory. This right shall not, however, be exercised excepting after a joint agreement between the two Governments, and after six calendar months' notice in writing has been given to the Companies. In the event of purchase, the rights of each Government in and over the soil, works, and undertaking shall be limited to its own territory, as defined in Article 1.

13. The amount of the purchase money in each country shall be determined as follows, under the supervision of the International Commission:—The net receipts of the Company during the seven years immediately preceding the year in which the purchase is effected shall be ascertained; the two years of minimum receipts shall be excluded, and the mean of the annual net receipts during the other five years shall be taken. That mean net receipt will form the amount of an annuity, to be payable to the Company for the unexpired term of the Concession, or, at the option of the British Government, for the purchase of the English Concession, the basis of the calculation of a capital sum representing the value of the

çaise et de l'Acte du Parlement Britannique.

12. À toute époque après la trentième année à partir de la mise en exploitation du Chemin de Fer Sous-marin, chaque Gouvernement aura le droit de racheter l'entreprise de la Compagnie établie sur son territoire. Toutefois ce droit ne pourra être exercé que d'un commun accord entre les deux Gouvernements, et après un avis donné par écrit aux Compagnies six mois pleins d'avance. En cas de rachat, le droit de chaque Gouvernement sur le sol, les travaux, et l'entreprise sera limité à ce qui existera sur son propre territoire, comme il est défini à l'Article 1.

13. Le prix du rachat dans chaque pays sera déterminé de la manière suivante, sous le contrôle de la Commission Internationale: On relèvera les recettes nettes obtenues par chaque Compagnie pendant les sept années qui auront précédé celle où le rachat sera effectué; on en déduira les produits nets des deux plus faibles années, et l'on établira le produit net moyen des cinq autres années. Ce produit net moyen formera le montant d'une annuité qui sera payée à la Compagnie pendant chacune des années restant à courir sur la durée de la Concession; ou, au choix du Gouvernement Anglais, pour le rachat de la concession Anglaise, ce produit moyen formera la base du calcul d'un capital représentant la valeur de la dite annuité au

annuity at the time of purchase. In any case the amount of the annuity to be so payable, or which is to form the basis of such calculation as aforesaid, is not to be less than the amount of the net receipts during the year immediately preceding the year of purchase.

Each Government is to provide and pay the annuity or capital sum which will be due to the Company established on its territory.

The Company shall receive, in addition, the payments to which they may be entitled at the date fixed for the expiration of the Concession, in accordance with paragraph 4 of Article 8.

14. The working and maintenance of the Submarine Railway after either the purchase, or the termination, or the forfeiture, of the Concession in either country, shall be provided for by a Supplementary Convention then to be made between the two Governments.

15. Each Government shall have the right to suspend the working of the Submarine Railway and the passage through the Tunnel whenever such Government shall, in the interest of its own country, think necessary to do so. And each Government shall have power, to be exercised if and when such Government may deem it necessary, to damage or destroy the works of the Tunnel or Submarine Railway, or any part of them, in the territory of such Government, and also to flood the Tunnel with water. If any of the powers of

moment du rachat. En aucun cas le montant de l'annuité ainsi payable, ou devant former la base du calcul ci-dessus indiqué, ne devra être inférieur au montant des produits nets de l'année qui aura précédé immédiatement celle du rachat.

Chaque Gouvernement devra pourvoir au paiement de l'annuité qui sera due à la Compagnie établie sur son territoire.

La Compagnie recevra, en outre, les remboursements auxquels elle aurait droit à l'époque fixée pour l'expiration de la Concession, selon le paragraphe 4 de l'Article 8.

14. Lors du rachat, de l'expiration ou de la déchéance de la Concession dans chaque pays, l'exploitation et l'entretien du Chemin de Fer Sous-marin seront assurés par une Convention Supplémentaire à intervenir entre les deux Gouvernements.

15. Chaque Gouvernement aura le droit de suspendre l'exploitation du Chemin de Fer Sous-marin et le passage à travers le Tunnel, quand il jugera convenable de le faire dans l'intérêt de son propre pays. Chaque Gouvernement aura aussi le droit, pour l'exercer quand il le jugera nécessaire, d'endommager ou de détruire en totalité ou en partie les travaux du Tunnel ou du Chemin de Fer Sous-marin sur son propre territoire, comme aussi de noyer le Tunnel. Dans le cas de la mise à exécution par l'un des Gouvernements de l'un

this Article are exercised by either of the Governments, then and in every such case neither the other Government nor either of the Companies shall have any claim to any other indemnity or compensation than the following: If any such power is exercised during the term and currency of the Concession to either Company, the period of concession to such Company is to be extended for a term equal to that during which the working of the Submarine Railway has been suspended in consequence of the exercise of any of the powers mentioned in this Article. If any such power is exercised before the expiration of the period during which the French Government has engaged not to grant any rival Concession, the term of this period shall be extended in like manner as that of the Concession.

Each Government, however, reserves to itself the right, if it should think fit, to grant to the Company established in its own country, but not to the Company established in the other country, such compensation for damage actually done by its order to the works of each Company as such Government may in its discretion think proper.

16. Works for purposes of defence, and such other works as may be required by either Government, shall be executed by each Company in accordance with the laws for the time being in force in the country where such Company is established.

des droits mentionnés dans le présent Article, l'autre Gouvernement et aucune des deux Compagnies ne pourront prétendre à d'autre indemnité ou compensation que la suivante: Si le droit susdit est exercé durant la période de concession faite à l'une des deux Compagnies, le terme de la concession faite à cette Compagnie sera prorogé d'une période égale à celle pendant laquelle l'exploitation du Chemin de Fer Sous-marin aura été suspendue en conséquence de l'exercice de l'un quelconque des droits mentionnés dans cet Article. Si le même droit est exercé avant l'expiration de la période pendant laquelle le Gouvernement Français s'est engagé à n'accorder aucune concession concurrente, le terme de cette période sera prorogé comme celui de la Concession.

Chaque Gouvernement se réserve d'ailleurs le droit d'accorder, s'il le juge à propos, à la Compagnie établie dans son pays, mais non à la Compagnie établie dans l'autre pays, les compensations qui lui sembleront convenable pour les dommages causés par son ordre aux travaux de cette Compagnie.

16. Les travaux défensifs ou autres demandés par l'un des deux Gouvernements seront exécutés par les Compagnies respectives, en conformité des lois existant dans chaque pays à l'époque de leur exécution.



17. It is understood, as regards the use of the Submarine Railway, that equal facilities shall be afforded in the formation of trains, in the running of carriages and waggons, and in the transport of passengers, animals, and goods of every description, whatever may be the points of departure or of destination, and whatever may be the routes followed.

18. The provisions of the Treaty to be concluded shall not come into force before they have been sanctioned by the Legislatures of the two countries.

H. W. T.	CH. G.
C. M. K.	C. K.
H. W.	A. DE L.

True copy.

H. AUSTIN LEE.  
H. DE LAFAULOTTE.

17. Il est entendu, en ce qui concerne le service du Chemin de Fer Sous-marin, que les mêmes facilités seront accordées, soit dans la formation des trains, soit pour la circulation des voitures et des wagons, soit pour le transport des voyageurs, des animaux et des marchandises de toute nature, quels que soient les points de départ ou de destination, et quelles que soient les routes suivies.

18. Les dispositions du Traité à conclure n'entreront en vigueur qu'après qu'elles auront été sanctionnées par les Législatures respectives des deux pays.

CH. G.	H. W. T.
C. K.	C. M. K.
A. DE L.	H. W.

Pour copie conforme.

H. DE LAFAULOTTE.  
H. AUSTIN LEE.

*BRITISH ORDER IN COUNCIL, for Apprehending and Delivering up of Seamen Deserters from Brazilian Merchant-Vessels in the British Dominions.—Windsor, May 17, 1876.*

At the Court at Windsor, the 17th day of May, 1876.

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by "The Foreign Deserters Act, 1852" \* [cap. 26] it is provided that whenever it is made to appear to Her Majesty that due facilities are or will be given for recovering or apprehending seamen who desert from British merchant-ships in the territories of any foreign Power, Her Majesty may, by Order in Council stating that such facilities are or will be given, declare that seamen, not being slaves, who desert from merchant-ships belonging to such Power when within Her Majesty's dominions shall be liable to be apprehended and carried on board their respective ships, and may limit

the operation of such Order, and may render the operation thereof subject to such conditions and qualifications, if any, as may be deemed expedient:

And whereas it has been made to appear to Her Majesty that due facilities are given for recovering and apprehending seamen who desert from British merchant-ships in the territories of His Majesty the Emperor of Brazil:

Now, therefore, Her Majesty, by virtue of the powers vested in her by the said "Foreign Deserters Act, 1852," and by and with the advice of Her Privy Council, is pleased to order and declare, and it is hereby ordered and declared, that from and after the publication hereof in the "London Gazette," seamen, not being slaves, and not being British subjects, who within Her Majesty's dominions desert from merchant-ships belonging to the Empire of Brazil shall be liable to be apprehended and carried on board their respective ships.

Provided always, that if any such deserter has committed any crime in Her Majesty's dominions, he may be detained until he has been tried by a competent Court, and until his sentence (if any) has been fully carried into effect.

And the Secretaries of State for India in Council, the Home Department, and the Colonies, are to give the necessary directions herein accordingly.

C. L. PEEL.

**BRITISH ORDER IN COUNCIL, providing for the exercise of British Jurisdiction in Siam.—Balmoral, October 23, 1876.**

At the Court at Balmoral, the 23rd day of October, 1876.

**PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.**

**WHEREAS** Her Majesty the Queen has power and jurisdiction within the dominions of the Kings of Siam:

Now, therefore, Her Majesty, by virtue and in exercise of the powers in this behalf by the Foreign Jurisdiction Acts, 1843 to 1875, and by the Act of the Session of the 20th and 21st years of Her Majesty's reign (chapter 75),\* "to confirm an Order in Council concerning the exercise of jurisdiction in matters arising within the Kingdom of Siam," or otherwise, in her vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

\* Vol. XLVII. Page 524.

1. This Order may be cited as "The Siam (Foreign Jurisdiction) Order in Council of 1876."

2. Words in this Order have the same meaning as in the Order in Council of the 23th day of July, 1856,\* relative to Her Majesty's power and jurisdiction within the Kingdom of Siam (which Order may be cited as "The Siam (Foreign Jurisdiction) Order in Council of 1856)."

3. Her Majesty's Consul-General at Bangkok shall, on receipt of this Order, cause a printed copy thereof to be affixed and publicly exhibited in his Court, and shall cause a printed copy thereof to remain publicly exhibited there for one calendar month; and on the expiration of that month the following provisions of this Order shall commence and have effect.

4. "The Siam (Foreign Jurisdiction) Order in Council of 1856" shall, as regards the exercise of jurisdiction by Her Majesty's Consul-General at Bangkok, but not further, be read and have effect as if, in Article 14 thereof, for the words "twelve months" there were substituted the words "three years."

5. Where a British subject, being a native of Her Majesty's Possession of British Burmah, is charged with the commission of a crime or offence the cognizance whereof appertains to Her Majesty's Consul, and it is in the opinion of Her Majesty's Consul expedient that the crime or offence be inquired of, tried, determined, and punished, within Her Majesty's dominions, then, notwithstanding anything in "The Siam (Foreign Jurisdiction) Order in Council of 1856," the accused may, under section 4 of the Foreign Jurisdiction Act of 1843 [cap. 94]† be sent for trial, if the Consul thinks fit, to Her Majesty's Possession of British Burmah.

(2.) The Consul may, by warrant under his hand and official seal, cause the accused to be taken for trial to British Burmah accordingly.

(3.) The warrant shall be sufficient authority to any person to whom it is directed to receive and detain the person therein named, and to carry him to and deliver him up at any place in British Burmah, according to the warrant.

And the Right Honourable the Earl of Derby, and the Most Honourable the Marquis of Salisbury, two of Her Majesty's Principal Secretaries of State, and the Lords Commissioners of the Admiralty, are to give the necessary directions herein as to them may respectively appertain.

C. L. PEEL.

*LOI de la Belgique, portant dérogation à la Loi du 31 Décembre, 1851,\* qui règle la Compétence des Consuls Belges dans les Pays hors de Chrétienté. (Tribunaux Mixtes organisés en Égypte.)—Bruxelles, le 16 Juin, 1875.*

LÉOPOLD II, Roi des Belges, à tous présents et à venir, salut.  
Les Chambres ont adopté et nous sanctionnons ce qui suit :

*Article Unique.*

A partir de l'entrée en fonctions des Tribunaux Mixtes organisés en Égypte, et aussi longtemps que ces Tribunaux seront maintenus, les Consuls Belges s'abstiendront de connaître :

En matière civile : Des contestations entre Belges et étrangers ;  
des actions en matière réelle immobilière ;

En matière criminelle : Des contraventions de police ; des crimes et des délits commis envers les membres des Tribunaux Mixtes et par ces membres dans l'exercice ou à l'occasion de l'exercice de leurs fonctions, ainsi que des crimes et des délits commis directement contre l'exécution des sentences et des mandats de justice.

Promulguons la présente Loi, ordonnons qu'elle soit revêtue du sceau de l'État et publiée par la voie du "Moniteur."

Donné à Bruxelles, le 16 Juin, 1875.

LÉOPOLD.

Par le Roi :

C<sup>TE</sup>. D'ASPREMONT-LYNDEN, *Ministre des Affaires Étrangères.*

T. DE LANTSHEERE, *Ministre de la Justice.*

Scellé du sceau de l'État :

T. DE LANTSHEERE, *Ministère de la Justice.*

*LOI de la Belgique, portant Prorogation provisoire du Régime actuel des Droits et des Drawbacks sur les Sucres.—Laeken, le 8 Juillet, 1875.*

LÉOPOLD II, Roi des Belges, à tous présents et à venir, salut.  
Les Chambres ont adopté et nous sanctionnons ce qui suit :

ART. 1. Le régime actuel des droits et des drawbacks sur les sucres continuera d'être appliqué après l'expiration de la Convention Internationale du 8 Novembre, 1864.†

2. L'Article 16 de la Loi du 18 Juillet, 1860, est applicable à la perception des droits sur les sucres et sur les glucoses.

Promulguons la présente Loi, ordonnons qu'elle soit revêtue du sceau de l'État et publiée par la voie du "Moniteur."

Donné à Laeken, le 3 Juillet, 1875.

LÉOPOLD.

Par le Roi :

J. MALOU, *Ministre des Finances.*

Vu et scellé du sceau de l'État.

T. DE LANTSHEERE, *Ministre de la Justice.*

### *REPORT on the Suez Canal Traffic.—1876.*

*[From the British Consul at Port Said.]*

DURING the year 1876 the total number of vessels under all flags, including ships-of-war, transports, and yachts, which availed themselves of the Suez Canal as the highway between the east and west, reached the sum of 1,461, with a tonnage of 2,095,870 tons net register.

Although this amount of shipping falls short of the number which passed through the Canal in 1875 by 31 vessels, still, by comparing the Tables 1 and 2 with those furnished by me for that year, an increase of 76,375 tons will be observed, thus showing that, on an average, the vessels have been of larger capacity.

The number of Government ships and yachts was 66, with a tonnage of 109,172 tons, and the amount of trading vessels reached 1,395, tonnage 1,986,698 tons, to which England contributed 1,510,198 tons.

The traffic has probably been less than has been anticipated, which may be accounted for by the general depression of trade during the 12 months.

Notwithstanding the decrease in the total number of ships, 1,092 vessels under the British flag, amounting to nearly 75 per cent. of the whole traffic, with a tonnage of 1,578,238 tons net, passed through the Canal during the year, being an increase both in ships and tonnage, of 31 in the former, and 100,492 in the latter.

I have been informed that the total receipts of the Canal Company during the year 1876 amounted to the sum of 30,728,925 fr., equal to 1,229,157l. sterling, of which amount 29,974,998 fr., or 1,198,999l., was derived from transit dues of ships, the remainder was realized by boats' transit dues, sale and rent of land and houses, water rates, sale of material, &c., and shows an excess over the receipts for the previous year of 24,770l.

SUZ CANAL TRAFFIC, 1876.

Number of Vessels passed through the Suez Canal, specifying Nationality.

Month.	British.	French.	Dutch.	Italian.	Austrian.	German.	Spanish.	Swedish and Norwegian.	Egyptian.	Russian.	Danish.	Turkish.	American.	Portuguese.	Total.
January ..	110	6	3	6	5	2	2	2	4	1	1	.	.	.	142
February ..	98	8	5	3	7	2	1	1	1	3	1	2	.	.	132
March ..	112	6	3	7	7	3	1	3	.	4	3	.	.	1	150
April ..	113	10	8	6	5	3	2	4	1	3	.	.	.	.	155
May ..	89	7	7	4	5	.	2	.	.	1	1	.	.	.	116
June ..	72	5	4	3	2	1	3	2	1	.	.	1	.	.	94
July..	74	11	5	4	4	2	3	1	5	1	.	.	1	1	112
August ..	89	5	3	3	4	3	2	.	.	1	.	.	.	1	111
September ..	78	8	7	4	2	4	4	1	.	.	1	.	.	.	109
October ..	79	9	6	4	5	1	1	.	.	.	.	.	.	.	105
November ..	86	8	3	3	4	4	2	1	.	.	8	.	.	.	114
December ..	92	6	6	4	5	2	3	.	.	.	3	.	.	.	121
Total ..	1,092	89	60	51	55	27	26	15	12	14	13	3	1	3	1,461

## SUEZ CANAL TRAFFIC, 1876.

Tonnage Monthly of Vessels passed through the Suez Canal, specifying Nationality.

Month.	British.	French.	Dutch.	Italian.	Austrian.	German.	Spanish.	Swedish and Norwegian.	Egyptian.	Russian.	Danish.	Turkish.	American.	Portuguese.	Total.
January ..	151,072	10,556	6,142	6,942	4,832	2,073	2,951	2,809	2,703	1,241	976	..	..	..	192,347
February ..	130,319	15,410	8,906	3,652	7,244	1,877	1,910	884	135	3,603	958	1,546	..	..	176,444
March ..	163,416	11,733	5,351	7,523	8,140	3,694	1,667	3,982	..	4,957	2,802	..	..	953	214,277
April ..	148,113	19,281	9,921	6,819	5,435	2,336	3,263	3,962	1,897	3,550	..	..	..	..	204,627
May ..	127,777	14,745	13,929	4,986	5,355	..	3,245	..	..	1,303	973	..	..	..	172,314
June ..	104,997	11,102	5,321	3,694	1,451	1,095	3,596	1,825	135	..	..	417	..	..	184,163
July ..	108,493	18,603	9,917	4,966	3,454	3,172	3,568	799	5,579	1,429	..	..	891	953	160,624
August ..	132,742	11,221	5,586	3,703	3,551	2,525	3,467	..	..	1,472	..	..	..	455	164,752
September..	115,207	15,073	10,433	4,896	1,518	3,691	3,654	1,379	..	..	1,581	..	..	..	157,432
October ..	124,256	16,073	9,676	5,071	5,369	1,309	1,706	..	..	..	..	..	..	..	163,460
November..	133,214	14,059	6,748	3,703	4,236	4,433	3,772	1,502	..	..	3,240	..	..	..	174,927
December..	138,627	11,279	10,324	4,984	5,544	1,847	4,840	..	..	..	3,053	..	..	..	180,503
Total ..	1,578,233	169,185	103,064	60,996	56,280	23,033	37,639	17,143	10,449	17,555	13,588	1,963	891	2,861	2,095,370

*LOI de la République Française, qui augmente la Somme à répartir sur le Crédit ouvert par la Loi du 28 Juillet, 1874,\* en faveur des personnes qui ont eu à souffrir des Dommages résultant des Mesures de Défense prises par l'Autorité Militaire Française.—Versailles, le 16 Août, 1876.*

Le Sénat et la Chambre des Députés ont adopté,  
Le Président de la République promulgue la Loi dont la teneur suit:—

*Article Unique.*

Est élevée de 18,200,000 francs à 22,000,000 francs la somme que la Commission instituée en vertu de la Loi du 28 Juillet, 1874, relative aux dommages résultant des mesures de défense prises par l'autorité militaire Française, est autorisée à répartir dès à présent entre les personnes dont les demandes d'indemnité ont été admises.

La présente Loi, délibérée et adoptée par le Sénat et par la Chambre des Députés, sera exécutée comme Loi de l'État.

Fait à Versailles, le 16 Août, 1876.

MARSHAL DE MACMAHON, *Duc de Magenta.*

GÉNÉRAL A. BERTHAUT, *Ministre de la Guerre.*

LÉON SAY, *Ministre des Finances.*

R. DE MAROËRE, *Ministre de l'Intérieur.*

*DÉCLARATION MONÉTAIRE entre la Belgique, la France, la Grèce, l'Italie, et la Suisse.—Signée à Paris, le 3 Février, 1876.*

Les Soussignés, Délégués des Gouvernements de France, de Belgique, de Grèce, d'Italie, et de Suisse, s'étant réunis en conférence, en exécution de l'Article 5 de la Déclaration Monétaire du 5 Février, 1875,† et dûment autorisés à cet effet, ont, sous réserve de l'approbation de leurs Gouvernements respectifs, arrêté les dispositions suivantes:—

ART. I. Les Gouvernements Contractants s'engagent, pour l'année 1876, à ne fabriquer ou à ne laisser fabriquer de pièces d'argent de 5 francs, frappées dans les conditions déterminées par l'Article III de la Convention du 23 Décembre, 1865,‡ que pour une valeur n'excédant pas la somme de 120,000,000 francs, fixée par l'Article I de la Convention Additionnelle du 31 Janvier, 1874.§

\* Vol. LXV. Page 621.

† Vol. LXVI. Page 584.

‡ Vol. LVI. Page 207.

§ Vol. LXV. Page 479.



II. La dite somme de 120,000,000 francs est répartie ainsi qu'il suit :

(1.) Pour la Belgique, 10,800,000 francs ; pour la France, 54,000,000 francs ; pour l'Italie, 36,000,000 francs ; pour la Suisse, 7,200,000 francs.

(2.) En ce qui concerne la Grèce, qui a accédé à la Convention du 23 Décembre, 1865, par une Déclaration du 26 Septembre, 1868, le contingent fixé pour cet État, proportionnellement à ceux des autres Gouvernements Contractants, est arrêté à la somme de 3,600,000 francs.

(3.) En dehors du contingent fixé au paragraphe précédent, le Gouvernement Hellénique est exceptionnellement autorisé à faire fabriquer et à mettre en circulation sur son territoire, pendant l'année 1876, une somme de 8,400,000 francs en pièces d'argent de 5 francs, cette somme étant destinée à faciliter le remplacement des diverses monnaies actuellement en circulation par des pièces de 5 francs frappées dans les conditions déterminées par la Convention de 1865.

III. Sont imputés sur les contingents fixés au paragraphe 1 de l'Article précédent les bons de monnaie délivrés jusqu'à la date de ce jour, dans les conditions déterminées par l'Article VI de la Déclaration du 5 Février, 1875.

Est également imputée sur la somme totale de 12,000,000 francs attribuée à la Grèce par les paragraphes 2 et 3 de l'Article précédent, celle de 2,500,000 que le Gouvernement Hellénique avait été autorisé à faire fabriquer en 1876, comme équivalent des bons de monnaie que les autres Gouvernements Contractants ont eu la faculté de délivrer.

IV. Une nouvelle Conférence Monétaire sera tenue à Paris, dans le courant du mois de Janvier, 1877, entre les Délégués des Gouvernements Contractants.

V. Jusqu'après la réunion de la Conférence prévue à l'Article précédent, il ne sera délivré de bons de monnaie, pour l'année 1877, que pour une somme n'excédant pas la moitié des contingents fixés par les paragraphes 1 et 2 de l'Article II de la présente Déclaration.

VI. L'Article XI de la Convention du 23 Décembre, 1865, concernant l'échange des communications relatives aux faits et documents monétaires, est complété par la disposition suivante :—

“ Les Gouvernements Contractants se donneront réciproquement avis des faits qui parviendraient à leur connaissance au sujet de l'altération et de la contrefaçon de leurs monnaies d'or et d'argent dans les pays faisant ou non partie de l'Union Monétaire, notamment en ce qui touche aux procédés employés, aux poursuites exercées et aux répressions obtenues. Ils se concerteront sur les mesures à

prendre en commun pour prévenir les altérations et contrefaçons, les faire réprimer partout où elles se seraient produites, et en empêcher le renouvellement."

VII. La présente Déclaration sera mise en vigueur dès que la promulgation en aura été faite d'après les lois particulières de chacun des cinq États.

En foi de quoi les Délégués respectifs ont signé la présente Déclaration, et y ont apposé le cachet de leurs armes.

Fait en cinq expéditions, à Paris, le 3 Février, 1876.

	(L.S.)	DUMAS.
Pour la France :	(L.S.)	G. SOUBEYRAN.
	(L.S.)	CH. JAGERSCHMIDT.
„ la Belgique :	(L.S.)	AD. SAINCTELETTE.
	(L.S.)	BON. DE PITTEURS-HIÉGAERTS.
„ la Grèce :	(L.S.)	N. S. DELYANNI.
„ l'Italie :	(L.S.)	BARALSI.
	(L.S.)	RESSMAN.
„ la Suisse :	(L.S.)	KERN.
	(L.S.)	FEER-HERZOG.

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*DÉCLARATION entre la Belgique et l'Espagne, relative à la Convention d'Extradition du 17 Juin, 1870.\*—Bruxelles, le 28 Janvier, 1876.*

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Le Gouvernement de Sa Majesté le Roi des Belges et le Gouvernement de Sa Majesté Catholique voulant assurer d'une manière plus complète l'extradition des criminels, le Comte d'Aspremont-Lynden, Ministre des Affaires Étrangères de Belgique, d'une part, et M. Merry del Val, Envoyé Extraordinaire et Ministre Plénipotentiaire d'Espagne à Bruxelles, d'autre part, dûment autorisés, sont par la présente Déclaration convenus de ce qui suit :—

ART. I. L'individu poursuivi pour l'un des faits prévus par l'Article II de la Convention du 17 Juin, 1870, pourra être livré sur la production du mandat d'arrêt ou de tout autre acte ayant la même force, décerné par l'autorité étrangère compétente, pourvu que ces actes renferment l'indication précise du fait pour lequel ils ont été délivrés.

II. Lorsque le crime ou le délit donnant lieu à la demande d'extradition aura été commis hors du territoire de la partie requérante, il pourra être donné suite à cette demande, pourvu que la législation du pays requis autorise, dans ce cas, la poursuite des mêmes faits commis hors de son territoire.

III. La présente Déclaration entrera en vigueur dix jours après sa publication dans les formes prescrites par la législation des deux pays.

Les dispositions qui précèdent auront la même durée que la Convention du 17 Juin, 1870, à laquelle elles se rapportent.

En foi de quoi les Soussignés ont dressé la présente Déclaration, qu'ils ont revêtue du cachet de leurs armes.

Fait en double expédition à Bruxelles, le 28 Janvier, 1876.

(L.S.) CTE. D'ASPREMONT-LYNDEN.

(L.S.) RAFAEL MERRY DEL VAL.

### *CONVENTION d'Extradition entre la Belgique et le Danemark.*

—Signée à Copenhague, le 25 Mars, 1876.

[Ratifications échangées à Copenhague, le 22 Avril, 1876.]

SA Majesté le Roi des Belges et Sa Majesté le Roi de Danemark désirant assurer d'une manière plus complète la répression des crimes et délits soumis à la juridiction de leurs tribunaux respectifs et dont les auteurs ou complices voudraient se soustraire à la rigueur des lois en se réfugiant d'un pays dans l'autre, ont résolu de conclure une nouvelle Convention d'Extradition, et ont nommé à cet effet, pour leurs Plénipotentiaires, savoir :

Sa Majesté le Roi des Belges, M. Théodore de Bounder de Melsbroeck, son Ministre Résident, Officier de l'Ordre de Léopold, &c. ;

Sa Majesté le Roi de Danemark, son Excellence M. le Baron Otto-Ditlev de Rosenörn-Lehn, son Ministre des Affaires Étrangères, Grand-Croix de l'Ordre de Danebrog et décoré de la Croix d'Honneur du même Ordre, &c. ;

Lesquels, après s'être communiqué leurs pleins pouvoirs, reconnus en bonne et due forme, sont convenus des Articles suivants :—

ART. I. Les Gouvernements Belges et Danois s'engagent à se livrer réciproquement, sur la demande que l'un des deux Gouvernements adressera à l'autre, les individus réfugiés de Belgique en Danemark et dans les Colonies Danoises, ou de Danemark et des Colonies Danoises en Belgique, et poursuivis, mis en prévention ou en accusation, ou condamnés comme auteurs ou complices par les autorités compétentes de celui des deux pays où l'infraction a été commise, pour les crimes et délits énumérés dans l'Article ci-après. Néanmoins, lorsque le crime ou le délit motivant la demande d'extradition aura été commis hors du territoire du Gouvernement requé-

rant, il pourra être donné suite à cette demande si la législation du pays requis autorise la poursuite des mêmes infractions commises hors de son territoire.

## II. Ces crimes et délits sont :—

1. Parricide, infanticide, assassinat, empoisonnement, meurtre ;
2. Coups portés ou blessures faites volontairement avec préméditation ou ayant causé une maladie paraissant incurable, une incapacité permanente de travail personnel, la perte absolue de l'usage d'un organe, une mutilation grave ou la mort sans l'intention de la donner ;
3. Bigamie, enlèvement de mineurs, viol, avortement, attentat à la pudeur commis avec violence, attentat à la pudeur commis sans violence sur la personne ou à l'aide de la personne d'un enfant de l'un ou de l'autre sexe âgé de moins de 12 ans ; attentat aux mœurs en excitant, facilitant ou favorisant habituellement, pour satisfaire les passions d'autrui, la débauche ou la corruption de mineurs de l'un ou de l'autre sexe ;
4. Enlèvement d'enfants et attentat à la liberté individuelle commis par des particuliers ;
5. Incendie ;
6. Destruction de constructions, machines à vapeur ou appareils télégraphiques ;
7. Vol commis sans violence ni menaces et vol commis à l'aide de violence ou menaces ;
8. Menaces d'attentat contre les personnes ou les propriétés punissables d'après les Articles 327 à 330 du Code Pénal Belge et d'après le § 245 du Code Pénal Danois ;
9. Fausse monnaie, comprenant la contrefaçon et l'altération de la monnaie, l'émission et la mise en circulation de la monnaie contrefaite ou altérée ; contrefaçon et falsification d'effets publics ou de billets de banque, de titres publics ou privés ; émission ou mise en circulation de ces effets, billets ou titres contrefaits ou falsifiés ; faux en écriture et usage des documents contrefaits, fabriqués ou falsifiés ;
10. Faux témoignage et fausses déclarations d'experts ou d'interprètes, subornation de témoins, d'experts ou d'interprètes ;
11. Faux serment ;
12. Concussion et détournement commis par des fonctionnaires publics ;
13. Banqueroute frauduleuse ;
14. Escroquerie ; abus de confiance dans les cas prévus simultanément par la législation des deux pays ;
15. Échouement, perte ou destruction volontaire et illégale d'un navire par le capitaine ou les officiers et gens de l'équipage, rébellion ou mutinerie de l'équipage du navire ;

16. Recèlement des objets obtenus à l'aide d'un des crimes ou délits prévus par la présente Convention.

L'extradition pourra aussi avoir lieu pour la tentative des faits ci-dessus énumérés. Dans tous les cas, l'extradition ne pourra avoir lieu que lorsque le fait incriminé est punissable à la fois d'après la législation des deux pays contractants.

III. L'obligation d'extradition ne s'étend pas aux nationaux.

Vu les dispositions du § 6 du Code Pénal Danois, le Danemark se réserve en outre la faculté de ne pas livrer les étrangers fixés et domiciliés dans le pays, à moins que la demande d'extradition ne concerne un fait commis par l'étranger avant son arrivée en Danemark, et que la demande soit faite avant que l'étranger soit domicilié depuis deux ans révolus.

Si l'individu réclamé par une des Parties Contractantes est réclamé en même temps par un autre ou plusieurs autres Gouvernements, le Gouvernement auquel les demandes d'extradition ont été adressées pourra, à son choix, le livrer à l'un ou à l'autre des Gouvernements réclamants.

Si l'individu réclamé n'est sujet d'aucun des Gouvernements Contractants, le Gouvernement auquel l'extradition est demandée pourra informer de cette demande le Gouvernement auquel appartient le poursuivi, et si ce Gouvernement, sans aucun retard, réclame, à son tour, le prévenu pour le faire juger par ses tribunaux pour l'acte incriminé, la disposition de l'alinéa précédent sera applicable.

IV. Il est expressément stipulé que l'étranger dont l'extradition aura été accordée ne pourra, dans aucun cas, être poursuivi ou puni pour aucun délit politique antérieur à l'extradition, ni pour aucun fait connexe à un semblable délit.

Il ne pourra non plus être poursuivi ou condamné pour aucun des crimes ou délits antérieurs à l'extradition qui ne sont pas prévus dans la présente Convention, à moins qu'après avoir été puni ou acquitté du chef du crime ou délit qui a donné lieu à l'extradition, il n'ait négligé de quitter le pays avant un délai d'un mois, ou bien qu'il n'y vienne de nouveau.

Ne sera pas réputé délit politique, ni fait connexe à un semblable délit, l'attentat contre la personne du chef d'un État étranger ou contre celle des membres de sa famille, lorsque cet attentat constituera le fait soit de meurtre, soit d'assassinat, soit d'empoisonnement.

V. L'extradition ne pourra avoir lieu si, depuis les faits imputés, les poursuites ou la condamnation, la prescription de l'action ou de la peine est acquise d'après les lois du pays dans lequel le prévenu ou le condamné s'est réfugié.

VI. Si l'individu réclamé est poursuivi ou condamné dans le pays où il s'est réfugié pour un crime ou délit commis dans ce même

pays, son extradition pourra être différée jusqu'à ce que les poursuites soient abandonnées, qu'il soit acquitté ou absous ou qu'il ait subi sa peine.

VII. L'extradition sera accordée lors même que le condamné, l'accusé ou le prévenu viendrait, par ce fait, à être empêché de remplir ses engagements contractés envers des particuliers, lesquels pourront toujours faire valoir leurs droits auprès des autorités judiciaires compétentes.

VIII. L'extradition sera accordée sur la demande adressée par l'un des deux Gouvernements à l'autre par voie diplomatique et sur la production d'un arrêt de condamnation ou de mise en accusation, d'une ordonnance de renvoi devant le tribunal correctionnel, d'un mandat d'arrêt ou de tout autre acte ayant la même force que ce mandat et renfermant l'indication précise des faits incriminés, ainsi que la disposition pénale applicable à ces faits.

Ces actes seront délivrés en original ou en expédition authentique, soit par un tribunal, soit par toute autre autorité compétente du pays qui demande l'extradition. On fournira en même temps, si c'est possible, le signalement de l'individu réclamé ou toute autre indication de nature à en constater l'identité.

IX. En cas d'urgence, l'arrestation provisoire sera effectuée sur avis, transmis par la poste ou par le télégraphe, de l'existence d'un mandat d'arrêt, à la condition toutefois que cet avis sera régulièrement donné par voie diplomatique au Ministre des Affaires Étrangères du pays où l'inculpé s'est réfugié.

L'arrestation de l'étranger aura lieu dans les formes et suivant les règles établies par la législation du Gouvernement auquel elle est demandée.

X. L'étranger arrêté provisoirement aux termes de l'Article précédent sera mis en liberté si, dans le délai de trois semaines après son arrestation, il ne reçoit notification de l'un des documents mentionnés dans l'Article VIII de la présente Convention.

XI. Quand il y aura lieu à l'extradition, tous les objets saisis qui peuvent servir à constater le crime ou le délit, ainsi que les objets provenant de vol, seront, suivant l'appréciation de l'autorité compétente, remis à la Puissance réclamante, soit que l'extradition puisse s'effectuer, l'accusé ayant été arrêté, soit qu'il ne puisse y être donné suite, l'accusé ou le coupable s'étant de nouveau évadé ou étant décédé.

Cette remise comprendra aussi tous les objets de la même nature que le prévenu aurait cachés ou déposés dans le pays et qui seraient découverts ultérieurement.

Sont réservés toutefois les droits que des tiers non impliqués dans la poursuite auraient pu acquérir sur les objets indiqués dans le présent Article.

XII. Les frais d'arrestation, d'entretien et de transport de l'individu dont l'extradition aura été accordée, ainsi que ceux de consignation et de transport des objets qui, aux termes de l'Article précédent, doivent être restitués ou remis, resteront à la charge des deux États dans la limite de leurs territoires respectifs.

Les frais de transport et autres sur le territoire des États intermédiaires seront à la charge de l'État réclamant.

Au cas où le transport par mer serait jugé préférable, l'individu à extraditer sera conduit au port de l'État requis que désignera l'Agent Diplomatique ou Consulaire accrédité par le Gouvernement réclamant, aux frais duquel il sera embarqué.

XIII. Il est formellement stipulé que l'extradition par voie de transit sur les territoires respectifs des États Contractants d'un individu n'appartenant pas au pays de transit, sera accordée sur la simple production en original ou en expédition authentique de l'un des actes de procédure mentionnés, selon les cas, dans l'Article VIII ci-dessus, pourvu que le fait servant de base à l'extradition soit compris dans la présente Convention et ne rentre pas dans les dispositions des Articles IV et V.

XIV. Lorsque, dans la poursuite d'une affaire pénale, non politique, un des deux Gouvernements jugera nécessaire l'audition de témoins domiciliés dans l'autre État, ou tout autre acte d'instruction judiciaire, une commission rogatoire sera envoyée, à cet effet, par la voie diplomatique, et il y sera donné suite en observant les lois du pays dans lequel l'audition des témoins ou l'acte d'instruction devra avoir lieu.

Les commissions rogatoires émanées de l'autorité compétente étrangère et tendant à faire opérer soit une visite domiciliaire, soit la saisie du corps du délit ou de pièces à conviction, ne pourront être exécutées que pour un des faits énumérés à l'Article II et sous la réserve exprimée au dernier paragraphe de l'Article XI.

Les Gouvernements respectifs renoncent à toute réclamation ayant pour objet la restitution des frais résultant de l'exécution de la commission rogatoire dans les cas mêmes où il s'agirait d'expertise, pourvu toutefois que cette expertise n'ait pas entraîné plus d'une vacation.

XV. En matière pénale non politique, lorsque la notification d'un acte de procédure ou d'un jugement à un Belge ou à un Danois paraîtra nécessaire au Gouvernement Belge, et réciproquement, la pièce transmise diplomatiquement sera signifiée à personne, à la requête du Ministère public du lieu de la résidence par les soins d'un officier compétent, et l'original, constatant la notification, revêtu du visa, sera envoyé par la même voie au Gouvernement requérant, sans restitution des frais.

XVI. Si, dans une cause pénale non politique, la comparution

personnelle d'un témoin est nécessaire, le Gouvernement du pays où réside le témoin l'engagera à se rendre à l'invitation qui lui sera faite, et, dans ce cas, il devra être dédommagé par l'État intéressé à la comparution du témoin, des frais de voyage et de séjour, ainsi que de la peine personnelle et de la perte de temps. Les personnes résidant en Belgique ou en Danemark et dans les Colonies Danoises, appelées en témoignage devant les tribunaux de l'un ou de l'autre pays, ne pourront être poursuivies ni détenues pour des faits ou condamnations criminels antérieurs, ni sous prétexte de complicité dans les faits objet du procès où elles figureront comme témoins.

Lorsque, dans une cause pénale non politique instruite dans l'un des deux pays, la production de pièces de conviction ou documents judiciaires sera jugée utile, la demande en sera faite par voie diplomatique, et on y donnera suite, à moins que des considérations particulières ne s'y opposent et sous l'obligation de renvoyer les pièces.

Les Gouvernements Contractants renoncent à toute réclamation des frais résultant, dans les limites de leurs territoires respectifs, de l'envoi et de la restitution des pièces de conviction et documents.

XVII. Toutes les pièces et documents qui seront communiqués réciproquement par les deux Gouvernements en exécution de la présente Convention et qui ne seraient pas rédigés en Français devront être accompagnés de leur traduction en langue Française.

XVIII. La présente Convention, qui remplacera celle du 10 Décembre, 1850,\* sera exécutoire le trentième jour à partir de l'échange des ratifications.

Elle demeurera en vigueur jusqu'à l'expiration d'une année à compter du jour où l'une des deux Hautes Parties Contractantes aura déclaré vouloir en faire cesser les effets.

Elle sera ratifiée, et les ratifications en seront échangées le plus tôt que faire se pourra.

En foi de quoi les Plénipotentiaires respectifs ont signé la présente Convention, qu'ils ont revêtue du cachet de leurs armes.

Fait à Copenhague, le 25 Mars, 1876.

(L.S.) TH. DE BOUNDER DE MELSBROECK.

(L.S.) O.-D. ROSENÖRN-LEHN.

*DECLARATION between Belgium and Italy, respecting the Duration of the Treaty of Commerce and Navigation of April 9, 1863.†—Rome, May 11, 1876.*

Le Traité de Commerce et de Navigation entre la Belgique et l'Italie du 9 Avril, 1863, devant cesser d'être en vigueur dès le

\* Vol. LII. Page 1054.

† Vol. LIII. Page 242.



25 Juin, prochain à la suite de la dénonciation qui en a été faite par le Gouvernement Italien, et les deux Gouvernements ayant reconnu l'utilité d'en proroger l'échéance, les Soussignés, régulièrement autorisés à cet effet, sont convenus de déclarer ce qui suit :

Le Traité de Commerce et de Navigation entre la Belgique et l'Italie du 9 Avril, 1863, continuera à rester en vigueur jusqu'au 30 Avril, 1877.

En foi de quoi ils ont signé la présente Déclaration en double exemplaire, et y ont apposé le sceau de leurs armes.

Fait à Rome, le 11 Mai, 1876.

(L.S.) A. VAN LOO.

(L.S.) MELEGARI.

*CONVENTION between Belgium and Spain respecting Alterations in Customs Duties.—Signed at Madrid, June 5, 1875.\**

[Ratifications exchanged at Madrid, July 2, 1876.]

SA Majesté le Roi des Belges et Sa Majesté le Roi d'Espagne ayant reconnu que des circonstances imprévues, lors de la conclusion du Traité de Commerce et de Navigation entre la Belgique et l'Espagne, signé le 12 Février, 1870,† ne permettent point de réaliser dans le délai convenu la réforme des droits de Douane établis en vertu du tarif qui fait partie intégrante du dit Traité, et désirant prolonger ce délai d'un commun accord, ont décidé de conclure une Convention spéciale à cet effet, et ont nommé pour leurs Plénipotentiaires, savoir :

Sa Majesté le Roi des Belges, le Baron Greindl, Officier de l'Ordre de Léopold, son Envoyé Extraordinaire et Ministre Plénipotentiaire auprès de Sa Majesté le Roi d'Espagne, &c. ; et

Sa Majesté le Roi d'Espagne, Don Alejandro de Castro, son Ministre d'État, &c. ;

Lesquels, après avoir échangé leurs pleins pouvoirs respectifs, trouvés en bonne et due forme, sont convenus des Articles suivants :—

ART. I. Le Gouvernement Espagnol aura la faculté de différer la réforme des droits de Douane qui, d'après le Traité du 12 Février, 1870, aurait dû avoir lieu le 1<sup>er</sup> Juillet, 1875, pour un terme qui n'excédera pas le 1<sup>er</sup> Juillet, 1885.

II. Pendant le délai prévu par l'Article précédent, les relations commerciales des deux pays continueront à être régies par les engagements qui leur sont actuellement applicables.

III. Si l'Espagne faisait usage, avant l'expiration du nouveau délai fixé pour la réforme des droits de Douane, de la faculté de

\* Signed also in the Spanish language.

† Vol. LX. Page 93.

dénoncer le Traité, la dite réforme aurait lieu dès le jour même de la dénonciation.

IV. À partir de l'expiration du délai fixé pour la réforme des droits de Douane, le Traité du 12 Février, 1870, produira, s'il n'a pas été dénoncé auparavant, les effets qu'il aurait dû produire au 1<sup>er</sup> Juillet, 1875, pour une durée égale à celle pendant laquelle le Traité devrait encore rester en vigueur à la date de la signature de la présente Convention.

V. Jusqu'à la fin du Traité du 12 Février, 1870, les Belges en Espagne et les Espagnols en Belgique jouiront, quant à leurs personnes et quant à leurs biens, du traitement de la nation la plus favorisée.

VI. La présente Convention sera ratifiée, et les ratifications en seront échangées à Madrid aussitôt que faire se pourra. En foi de quoi les Plénipotentiaires respectifs l'ont signée en double expédition, en Français et en Espagnol, et y ont apposé le cachet de leurs armes.

Fait à Madrid, le 5 Juin, 1875.

(L.S.) GREINDL.

(L.S.) ALEJANDRO DE CASTRO.

*CONVENTION entre la Belgique et les Pays-Bas, modifiant le Règlement commun pour le service de Pilotage dans l'Escaut. — Signée à Flessingue, le 7 Avril, 1876.*

[Ratifications échangées à la Haye, le 22 Août, 1876.]

Le Gouvernement Belge et le Gouvernement Néerlandais désirant mettre, dans une certaine mesure, le § 1<sup>er</sup> de l'Article 16 du Règlement International du 20 Mai, 1843,\* en harmonie avec les prescriptions de la Section 19 du "Merchant Shipping Acts Amendment,"† proposées par le Gouvernement Britannique, ont désigné à cette fin :

Le Gouvernement Belge, MM. J. Van Haverbeke et Ch. de Boninge, Commissaires Permanents pour la Surveillance Commune de la Navigation et des Services de Pilotage, &c., dans l'Escaut ;

Le Gouvernement Néerlandais, MM. Jonkheer H.-P. de Kock et H. Engelsman-Kleynhens, Commissaires Permanents pour la Surveillance Commune de la Navigation et des Services de Pilotage, &c., dans l'Escaut ;

Lesquels, s'étant réunis à Flessingue, en vertu des pouvoirs respectifs qui leur ont été conférés, sont convenus des dispositions suivantes :—

\* Vol. XXXVII. Page 1249.

† 36 & 37 Vict., cap. 85. Vol. LXV. Page 594.

[1875-76. LXVII.]

ART. I. À partir du 1<sup>er</sup> Octobre, 1876, le 1<sup>er</sup> paragraphe de l'Article 16 du Règlement International du 20 Mai, 1843, sera conçu de la manière suivante :

Art. 16. Le signal d'appel d'un pilote sera :

A. De jour :

(1.) Le pavillon national ou ce pavillon encadré d'une bande blanche, hissé en tête du mât de misaine si le bâtiment a plus d'un mât et en tête du grand mât s'il n'a qu'un mât ;

(2.) Le signal PT du Code Général des signaux ;

B. De nuit :

(1.) Un feu de Bengale bleu qui sera brûlé de 15 en 15 minutes ;

(2.) Un feu blanc placé à intervalles réguliers au-dessus du bastingage de manière à le rendre, à chaque exhibition, visible pendant une minute.

Ces signaux pourront se faire soit séparément, soit conjointement.

II. La présente Convention ne sera mise à exécution qu'après l'approbation des Gouvernements respectifs.

Fait en double expédition à Flessingue, le 7 Avril, 1876, dont une en Français et une autre en Néerlandais.

J. VAN HAVERBEKE,

CH. DE BONINGE,

*Commissaires Permanents Belges.*

H. DE KOCK,

KLEYNHENS,

*Commissaires Permanents Néerlandais.*

*TREATY of Friendship, Commerce, and Establishment between Belgium and the Transvaal Republic.—Signed at Brussels, February 3, 1876.\**

[Ratifications exchanged at Brussels, August 19, 1876.]

SA Majesté le Roi des Belges, d'une part, et Son Excellence le Président de la République Sud-Africaine, d'autre part, voulant développer et consolider les relations d'amitié et de commerce entre la Belgique et la République Sud-Africaine, et ayant jugé convenable de négocier un Traité propre à atteindre ce but :

Sa Majesté le Roi des Belges a nommé à cet effet pour son Plénipotentiaire le Comte d'Aspremont-Lynden, Ministre des Affaires

\* Signed also in the Dutch language.

Étrangères, Membre du Sénat, Officier de l'Ordre de Léopold, Commandeur de l'Ordre de la Branche Ernestine de la Maison de Saxe, Grand-Croix de l'Ordre de Léopold d'Autriche, &c. ;

Qui est convenu avec Son Excellence le Président de la République Sud-Africaine des Articles suivants :—

ART. I. Il y aura paix perpétuelle et amitié constante entre le Royaume de Belgique et la République Sud-Africaine, et entre les citoyens des deux pays, sans exception de personnes ni de lieux.

II. Il y aura liberté réciproque de commerce entre le Royaume de Belgique et la République Sud-Africaine.

III. Les citoyens de l'une et de l'autre Partie Contractante jouiront, dans les deux pays, de la plus constante et de la plus complète protection pour leurs personnes et leurs propriétés. Ils auront, en conséquence, un libre et facile accès auprès des tribunaux de justice pour la poursuite et la défense de leurs droits, en toute instance et dans tous les degrés de juridiction établis par les lois. Ils seront libres d'employer, dans toutes les circonstances, les avocats, avoués ou agents de toute classe qu'ils jugeraient à propos de déléguer en leur nom. Enfin, ils jouiront sous ce rapport des mêmes droits et privilèges qui sont ou seront accordés aux citoyens de la nation la plus favorisée, et ils seront soumis aux conditions imposées à ces derniers.

IV. Les citoyens Belges dans la République Sud-Africaine et les citoyens de la République Sud-Africaine en Belgique seront exempts de tout service militaire, soit dans l'armée, soit dans la marine, soit dans la milice ou garde nationale, et, en aucun cas, ils ne pourront être assujettis, pour leurs propriétés mobilières et immobilières, à d'autres charges, restrictions, taxes ou impôts que ceux auxquels seraient soumis les citoyens du pays. Il est convenu également que les citoyens des deux pays qui sont établis ou s'établiront sur le territoire de l'autre jouiront de tous les avantages que les lois ou décrets en vigueur accordent ou accorderont à l'avenir aux étrangers émigrants, mais avec l'obligation de remplir les conditions imposées ou exprimées dans ces dispositions.

V. Les citoyens Belges dans la République Sud-Africaine et les citoyens de la République Sud-Africaine en Belgique jouiront d'une entière liberté de conscience. Les uns et les autres se soumettront, quant à l'exercice extérieur de leur culte, aux lois de chaque pays.

VI. Les citoyens de chacune des deux Parties Contractantes pourront librement, sur le territoire de l'autre, voyager ou séjourner, commercer en gros et en détail, comme il est permis actuellement de le faire ou comme il le sera, par la suite, aux citoyens de la nation la plus favorisée, louer et occuper les maisons, magasins et boutiques qui leur seront nécessaires, transporter des marchandises et des espèces, et recevoir des consignations, tant de l'intérieur que des

pays étrangers, suivant les lois de chacun des deux pays, sans être assujettis, pour ces opérations, à d'autres obligations, charges ou restrictions que celles qui sont imposées aux indigènes, sauf les précautions de police qui sont ou seront employées à l'égard des nations les plus favorisées.

Ils seront les uns et les autres sur un pied de parfaite égalité, libres, dans leurs achats et leurs ventes, d'établir et de fixer le prix des effets, marchandises et objets quelconques importés ou produits dans le pays, qu'ils les vendent à l'intérieur ou qu'ils les destinent à l'exportation, en se conformant toutefois aux lois et aux règlements en vigueur.

Ils jouiront de la même liberté pour diriger leurs affaires eux-mêmes, présenter en Douane leurs déclarations, ou se faire représenter par des personnes qu'ils choisiront comme fondés de pouvoirs, facteurs, agents consignataires ou interprètes, pour l'achat ou la vente de leurs biens, leurs effets ou marchandises. De même, ils auront le droit de remplir toutes les fonctions qui leur seront confiées par leurs compatriotes, par des étrangers ou par les citoyens du pays, comme fondés de pouvoirs, facteurs, agents consignataires ou interprètes, en se soumettant en tout aux lois du pays, et sans avoir à payer comme étrangers aucun surcroît de salaire ou de rétribution.

VII. Les citoyens de chacune des deux Parties Contractantes auront le droit, sur le territoire de l'autre, de posséder des biens de toute espèce et d'en disposer de la même manière que les nationaux.

Les Belges jouiront dans tout le territoire de la République Sud-Africaine du droit de recueillir et de transmettre les successions *ab intestat* ou testamentaires, à l'égal des citoyens de cette République, selon les lois du pays, sans être assujettis, à raison de leur qualité d'étrangers, à aucun prélèvement ou impôt qui ne serait pas dû dans le même cas par les nationaux ; réciproquement, les citoyens de la République Sud-Africaine jouiront en Belgique du droit de recueillir et de transmettre les successions *ab intestat* ou testamentaires, à l'égal des Belges, selon les lois du pays, sans être assujettis, à raison de leur qualité d'étrangers, à aucun prélèvement ou impôt qui ne serait pas exigé des nationaux dans les mêmes cas. La même réciprocité entre les citoyens des deux pays existera pour les donations entre vifs.

Lors de l'exportation des biens recueillis ou acquis, à quelque titre que ce soit, par des Belges dans la République Sud-Africaine, ou par des citoyens de la République Sud-Africaine en Belgique, il ne sera prélevé sur ces biens aucun droit de détraction ou d'émigration, ni aucun droit quelconque auquel les indigènes ne seraient pas soumis.

L'exemption susmentionnée comprend non-seulement les droits de détraction qui pourraient être perçus par le trésor public, mais également tous les droits de détraction ou d'émigration dont la per-

ception serait du ressort d'individus, de communes, de fondations publiques, de paroisses, de districts ou de corporations.

Les dispositions qui précèdent sont applicables à toutes les successions à échoir à l'avenir et à toutes les translations de biens en général dont l'exportation n'a pas encore été effectuée.

VIII. Pendant le temps fixé par les lois des deux pays pour l'entreposage des marchandises, il ne sera perçu d'autres droits que ceux de garde et d'emmagasinage sur les objets importés de l'un des deux pays dans l'autre, en attendant qu'ils soient expédiés pour la consommation intérieure ou en transit, ou bien réexportés, et, en aucun cas, ils ne payeront de plus forts droits d'entrepôt et ne seront assujettis à d'autres formalités que les objets importés de tout autre pays étranger, sauf l'exception contenue dans le second alinéa de l'Article XI.

IX. Les objets de toute nature venant de la Belgique ou expédiés vers la Belgique jouiront, à leur passage par le territoire de la République Sud-Africaine, du traitement applicable, dans les mêmes circonstances, aux objets provenant ou en destination du pays le plus favorisé, sauf l'exception contenue dans le second alinéa de l'Article XI. Réciproquement, les objets de toute nature venant de la République Sud-Africaine ou expédiés vers elle jouiront, à leur passage sur le territoire Belge, du traitement applicable, dans les mêmes circonstances, aux objets venant ou en destination du pays le plus favorisé.

X. Les deux Hautes Parties Contractantes conviennent que toute faveur, privilège ou immunité que l'une d'elles aurait accordé ou accorderait en fait de Douane aux sujets d'un autre État, sera étendue aux citoyens du pays de l'autre, gratuitement si la concession en faveur de l'autre État est gratuite, ou moyennant une compensation équivalente si la concession a été conditionnelle.

Aucune des Parties Contractantes n'imposera, soit à l'importation, soit à la réexportation des produits du sol ou de l'industrie de l'autre partie, des droits différents ou plus élevés que ceux qui se prélèvent à l'importation ou à la réexportation des marchandises similaires provenant de tout autre pays étranger. Aucune restriction, aucune prohibition d'importation ou d'exportation n'aura lieu dans le commerce réciproque des Parties Contractantes, qu'elle ne soit également étendue à toutes les autres nations; le tout sauf l'exception contenue dans le second alinéa de l'Article XI.

XI. Les dispositions des Articles VIII, IX, et X ne sont pas applicables aux mesures spéciales que les deux pays se réservent d'établir dans un but sanitaire ou en vue d'événements de guerre.

Aussi la République Sud-Africaine se réserve le droit d'accorder à l'État Libre d'Orange des concessions et des privilèges exceptionnels que la Belgique ne pourra réclamer en vertu de son droit au

traitement applicable à tout pays étranger en général ou au pays le plus favorisé.

XII. Les objets, de quelque nature que ce soit, appartenant aux Belges ou aux citoyens de la République Sud-Africaine, qui auraient été pris par des pirates dans les limites de la juridiction de l'une des deux Parties Contractantes ou en haute mer, et qui seraient conduits ou découverts dans les ports, rivières, rades ou baies de la domination de l'autre Partie Contractante, seront remis à leurs propriétaires, qui auront à payer, s'il y a lieu, les frais de reprise à déterminer par les tribunaux compétents.

Le droit de propriété devra auparavant avoir été prouvé devant ces tribunaux, et la réclamation être faite dans le délai d'un an par les parties intéressées, par leurs fondés de pouvoirs ou par les agents des Gouvernements respectifs.

XIII. Il est formellement convenu entre les deux Parties Contractantes que, indépendamment des stipulations qui précèdent, les Agents Diplomatiques et les citoyens de toute classe de l'un des deux États jouiront de plein droit dans l'autre des privilèges, immunités, franchises et réductions de droits consentis ou à consentir en faveur de la nation la plus favorisée (sauf l'exception contenue dans le second alinéa de l'Article XI), gratuitement si la concession est gratuite, ou avec la même compensation si la concession est conditionnelle. Le même principe sera applicable aux marchandises et objets quelconques, appartenant à des citoyens ou au Gouvernement de l'un des deux États et se trouvant dans les limites de la juridiction de l'autre.

XIV. Si, par un concours de circonstances malheureuses, des différends entre les deux Hautes Parties Contractantes occasionnaient une interruption dans leurs relations d'amitié, et qu'après avoir épuisé les moyens d'une discussion amicale ou conciliante, le but de leur désir mutuel n'eût pas été complètement atteint, l'arbitrage d'une troisième Puissance, également amie des deux parties, sera invoquée d'un commun accord pour éviter une rupture définitive.

Il est convenue que, dans les cas d'une interruption de relations ou d'une rupture complète, les citoyens du pays de l'une des Hautes Parties Contractantes établis ou résidant dans les États de l'autre, exerçant le commerce ou quelque autre profession privée, auront la faculté d'y rester en continuant leur profession ou leurs affaires, sans être troublés dans la jouissance de leur liberté et de leurs biens, pour autant qu'ils se conduisent pacifiquement et qu'ils n'enfreignent pas les lois, et leurs biens et effets ne seront pas sujets à être saisis ou séquestrés et ne seront soumis à aucun impôt que n'auraient point à payer, sur des biens de la même espèce, les citoyens du pays.

XV. Chacune des Parties Contractantes aura la faculté de

nommer, pour la protection de son commerce, des Consuls-Généraux, des Consuls, ou des Vice-Consuls qui résideront sur le territoire de l'autre; mais, avant d'entrer en fonctions, tout Consul-Général, Consul, ou Vice-Consul nommé devra obtenir, dans la forme usitée, l'*exequatur* ou l'autorisation du Gouvernement auprès duquel il est accrédité, et chacune des Parties Contractantes aura le droit d'accepter les lieux ou les points de son territoire où il ne lui conviendra pas d'admettre des Consuls-Généraux, des Consuls, ou des Vice-Consuls. Il est d'ailleurs entendu que, sous ce rapport, les deux Gouvernements ne s'imposeront respectivement aucune restriction qui ne soit commune dans leurs pays à toutes les nations.

XVI. Les Agents Diplomatiques, Consuls-Généraux, Consuls, et Vice-Consuls de Belgique dans la République Sud-Africaine jouiront de tous les privilèges, exemptions, ou immunités dont jouissent ou jouiront les agents de la même qualité de la nation la plus favorisée. Il en sera de même en Belgique pour les Agents Diplomatiques, Consuls-Généraux, Consuls, ou Vice-Consuls de la République Sud-Africaine.

XVII. En cas de décès d'un citoyen Belge dans la République Sud-Africaine ou d'un citoyen de la République Sud-Africaine en Belgique, s'il n'y a aucun héritier connu ou aucun exécuteur testamentaire institué par le défunt, les autorités locales compétentes informeront de la circonstance les Consuls ou Agents Consulaires de la nation à laquelle le défunt appartient, afin qu'il puisse en être immédiatement donné connaissance aux parties intéressées.

En cas de minorité ou d'absence des héritiers, ou d'absence des exécuteurs testamentaires, les Agents du Service Consulaire, concurremment avec l'autorité locale compétente, auront le droit, conformément aux lois de leurs pays respectifs, de faire tous les actes nécessaires à la conservation et à l'administration de la succession, notamment d'apposer et de lever les scellés, de former l'inventaire, d'administrer et de liquider la succession, en un mot de prendre toutes les mesures nécessaires à la sauvegarde des intérêts des héritiers, sauf le cas où naîtraient des contestations, lesquelles devraient être décidées par les tribunaux compétents du pays où la succession est ouverte.

XVIII. Le présent Traité demeurera en vigueur pendant six ans, à partir de l'échange des ratifications, qui aura lieu à Bruxelles dans le délai de huit mois, ou plus tôt si faire se peut. Dans les cas où aucune des Parties Contractantes n'aurait notifié, douze mois avant l'expiration de la dite période de six années, son intention de ne pas renouveler ce Traité, celui-ci continuera de subsister et d'être obligatoire pendant une année encore, et ainsi de suite, jusqu'à ce qu'il se soit écoulé une année depuis le jour de la dénonciation faite par l'une ou l'autre des Parties Contractantes.



XIX. Le présent Traité sera ratifié par Sa Majesté le Roi des Belges, ainsi que par le Volksraad de la République Sud-Africaine.

En foi de quoi, les Représentants des deux Parties Contractantes désignés ci-dessus l'ont signé et scellé en double original.

Fait à Bruxelles, le troisième jour du mois de Février de l'an de grâce 1876.

(L.S.) CTE. D'ASPREMONT-LYNDEN.

(L.S.) TH. BURGERS, *Staats-President de Zuid-Afrikaansche Republiek.*

*TREATIES of Friendship, Commerce, Slave Trade, &c., between Great Britain and Native Chiefs and States on the West Coast of Africa.—1868–76.*

(1.)—*TREATY with Ahwoonlah and Addah. (Peace. Volta River. Settlement of Disputes, &c.)—Volta River, November 30, 1868.*

**TREATY OF PEACE** between Her Majesty and the Ahwoonlah and Addah Nations of the Protectorate, entered into at the River Volta, on board the colonial steamer *Ego*, this 30th day of November, 1868, through the mediation and in the presence of Sir Arthur Edward Kennedy, C.B., Governor-in-chief, on the part of Her Majesty the Queen of England, and between the undersigned Representatives of the Ahwoonlah and Addah Nations of the Protectorate.

WHEREAS an unhappy war broke out in the month of March, 1865, and has continued up to this time, whereby much damage has been caused to the trade and social welfare of the Ahwoonlah and Addah nations, their dependents and allies, who are members of the same Protectorate, and whose interest it is to live together in peace and amity :

It is hereby agreed by the representatives of both people that there should be peace and friendship between the two nations henceforth and for ever.

The following Articles, being fully discussed and understood, are agreed to:—

**ART. I.** The River Volta shall be kept open for all lawful traders; and both parties to this Treaty shall use their best efforts to discourage any dishonest or unlawful interference with legitimate traders of whatever country or nation.

**II.** The Ahwoonlah and Addah nations undertake and promise to observe and enforce the foregoing Article as being absolutely necessary to the peace and prosperity of all the tribes and nations bordering on the Volta.

III. If any difference or dispute should in the future arise between the Ahwoonlah and Addah nations, or between either of them and any other tribe or nation, it shall be submitted to the Governor-in-chief, whose decision, after full hearing, shall be final and binding upon both parties.

IV. Other tribes or nations having been unhappily drawn into this war as friends and allies, the Ahwoonlah and Addah nations agree and solemnly promise that they will immediately call upon all such to lay down their arms and consolidate a peace which is honourable to all parties.

In proof of our truth and sincere desire for peace, we subscribe our names to this Treaty, a copy of which will be retained by each party.

Their

- X LOSAR BGABGA, *King of Ahwoonlah.*
- X ABRAHAM AUGUSTT, *on part of the King of Ahwoonlah.*
- X GARMOO, *King's Messenger.*
- X JORDOR, *2nd Officer, Jellah Coffee.*
- X ARBOJEE, *Representative of Armayar.*
- X THOUGH, *Representative of Arvoondh.*
- X POTE, *for Yarhoe-tar-nar-curoo.*
- X THOUGH II, *for Folee, Chief of Jellah Coffee.*
- X ACALLEE, *for Chief Jorcoetoe.*

ADDAHs.

- X OCLUE, *Chief of Addah.*
- X KING TACKEE.
- X KING CUDJOE.
- X TAYEE, *for Dosoo.*
- X ICOO, *for the King of Christiansborg.*

marks.

Witnessed,

JOHN H. GLOVER, *Administrator of Lagos.*  
 CHARLES WM. ANDREW, *Commander H.M.S. Lee.*  
 THOS. GEO. LAWSON, *Government Interpreter, Sierra Leone.*  
 W. ADDO, *Government Interpreter, Accra.*

AQUAMOOS, MARCH 8, 1869.

Their

- X QUAMIN ARKOTOE, *King of Aquamoo.*
- X CUDJOE DADBRAH, *Captain of Aquamoo.*
- X QUAMIN BARKAYE, *Captain of Aquamoo.*
- X ORFAYE QUASHIE, *Captain of Aquamoo.*
- X CUDJOE YAMPOO, *Captain of Pesse.*
- X COFFEE MENSAH, *Captain of Arcradie.*

marks.

The above signatures were affixed at Aquamoo on the 3rd day of March, 1869, in the presence of us,

W. H. SIMPSON, *Acting Administrator, Gold Coast.*

W. ADDO, *Government Interpreter.*

PET AZRE-ODUNNASI, *late Schoolmaster.*

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(2.)—*TREATY with Ahwoonlah, Accra, and Addah. (Peace. Volta River, &c.)—Jellah-Coffee, May 10, 1871.*

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TREATY between the undersigned Kings, Chiefs, and Headmen of the Ahwoonlah, Accra, and Addah Nations or Tribes, and Sir A. E. Kennedy, C.B., Governor-in-chief of the West Africa Settlements, &c., on behalf of Her Majesty the Queen of Great Britain.

WE, the undersigned Kings, Chiefs, and duly accredited Delegates from Accra and Ahwoonlah, having this day met on board Her Majesty's colonial steamer *Sherbro*, at Jellah-Coffee, on the invitation of Sir A. E. Kennedy, C.B., Governor-in-chief of the West Africa Settlements, hereby agree to and solemnly bind ourselves to the following terms and conditions, subject to the approval and ratification of the Kings and Chiefs of Accra, and the Kings and Chiefs of Ahwoonlah :—

I. That though peace at present exists between the Accra, the Addah, and the Ahwoonlah people, it is desirable for the good and progress of each and all, that a lasting friendship should be established among people who are all under the protectorate of Great Britain.

II. That all parties to the Treaty of the Volta, agreed to and signed on board Her Majesty's colonial steamer *Eyo*, on the 30th day of November, 1868,\* again pledge themselves to adhere to the terms and conditions of that Treaty.

III. With a view to securing a permanent peace and more enduring friendship, the Kings, Chiefs, and Delegates, parties to this Treaty, pledge themselves to assist each other to the utmost of their power in repelling any inroad or invasion of any part of the Protectorate by the Ashantee power; though nothing in this clause or Treaty shall be construed to mean or justify any opposition to legitimate and peaceful trade with Ashantee.

IV. That the Accra, Addah, and Ahwoonlah nations hold themselves jointly and separately responsible for the safe and free navigation of the River Volta, and pledge themselves to combine to oppose any nation or tribe who may disturb or obstruct legitimate commerce on the river.

V. That in addition to Clause III of the Treaty dated 30th November, 1868, binding all parties thereto to submit any differences which may arise between them to the arbitration of the Governor-in-chief of the West Africa Settlements, it is hereby further agreed that all the parties to this Treaty pledge themselves to submit to, and pay, any fine which may, as the result of such arbitration, be imposed upon them for any breach of this or the former Treaty of 30th November, 1868.

VI. That all the parties to this Treaty hold themselves responsible for the safety of all legitimate traders and missionaries, whether European or native, within their respective territories; it being understood that no European or native trader shall contravene any law or custom which is not inconsistent with the letter or spirit of the laws of the Protectorate.

VII. It having been agreed upon as one of the primary conditions to peace that one Geraldo, a former servant to Lima, a Portuguese slave-dealer (for many years resident at Keta), should be given up to the Gold Coast Government, to be dealt with according to law, and this Geraldo having absconded from his residence to some inland town, the Ahwoonlahs hereby pledge themselves to inform the Gold Coast Government and give him up at any time he may return to the coast.

VIII. It is further agreed and demanded by the Ahwoonlahs in presence of the Accras parties to this Treaty, that the British authorities shall take steps to destroy the now deserted residence of Geraldo (being within the Ahwoonlah territory), to prevent his return thereto, as they attribute the wars and disasters which have for many years distracted their country to the presence and bad influence of Geraldo over a portion of the Ahwoonlah people.

IX. It is further agreed that three or more delegates duly accredited from Ahwoonlah should accompany and return with the Delegates from Accra to be present at the ratification of this Treaty.

Signed at Jellah-Coffee, on board Her Majesty's colonial steamer *Sherbro*, this 10th day of May, 1871.

Their

- ✕ PHANEWAH (for King LOZABAGBA).
- ✕ ABOCO (for King of Quitta).
- ✕ FOLY, *Chief of Jellah-Coffee.*
- ✕ NOOGPASAY, *Chief of Jellah-Coffee.*
- ✕ JOHN TAY, *Chief of Jellah-Coffee.*
- ✕ GPONGSOO, *an Officer of War at Jellah-Coffee.*
- ✕ FUOHGBAE, *2nd Officer.*
- ✕ AMAYIAH, *Chief of Ahtokkoh, near entrance of*

marks. *the Volta.*

Their

- ✕ QUASHIE, *for Ahgbobo.*
- ✕ AWOYAMAH, *Chief of Surombgas.*
- ✕ LABITOE, *Chief of Hootoi.*
- ✕ ARYECOO (for the King of Christiansborg).
- ✕ MENSAH (for King CUDJOE of Accra).
- ✕ BOCHUE AFLAR (for King TACKIE of Accra).

marks.

Witnesses :

C. O'CALLAGHAN, *Captain 1st W. I. Regiment.*

J. P. Mc'EWEN, *Navigating Lieutenant, Royal Navy, Commanding Her Majesty's colonial steamer Sherbro.*

THOS. GEO. LAWSON, *Government Messenger and Interpreter, Sierra Leone.*

ROBERT BANNERMAN, *Delegate from Accra.*

I have heard this Treaty read to me by Mr. Lawson, and Mr. Bannerman and I agree to its contents.

His

- ✕ LOZOGBAGBA, *King of Ahwoonlah.*
- mark.

Witnesses to marks :

ROBERT BANNERMAN, *Delegate from Accra.*

THOS. GEO. LAWSON, *Government Messenger and Interpreter, Sierra Leone.*

We, the Undersigned, hereby agree to, and ratify, the foregoing Treaty.

Their

- ✕ TACKIE, *King of Accra.*
- ✕ CUDJOE, *King of James Town.*
- ✕ MARKU, *King of Christiansborg.*
- ✕ JÉTAY AGIN, *Chief of Ussher Town.*
- ✕ ACKRAMAH, *Chief of Ussher Town.*
- ✕ ARMOO DARQUOR, *Chief of Ussher Town.*
- ✕ ANNAGAY, *Chief of James Town.*
- ✕ AMMANEH ACQUAY, *Chief of James Town.*
- ✕ H. BADDOO, *Headman in James Town.*
- ✕ NAH OCAUSEY, *on behalf of the King of Addah.*
- ✕ OCLU, *Interpreter to the King of Addah.*
- ✕ MANGKRALOH, *for Head Chief of Christiansborg.*

marks.

Signed at Accra, this 12th day of May, 1871.\*

Witnesses :

C. O'CALLAGHAN, *Captain 1st W. I. Regiment.*

\* Approval of British Government proclaimed at Cape Coast, October 26, 1871.

ROBERT BANNERMAN, *Delegate from Accra.*

THOS. GEO. LAWSON, *Government Messenger and Interpreter, Sierra Leone.*

W. ADDO.

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(3.)—*ENGAGEMENT with Chiefs holding authority on the South Bank of the River Congo. (Slave Trade. Commerce. Human Sacrifices. Religion.) River Congo, March 27, 1876.*

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**ENGAGEMENT** between Her Majesty the Queen of Great Britain and Ireland, &c., and the principal Chiefs (whose names hereafter appear) holding authority on the South Bank of the River Congo, for the abolition of the traffic in slaves, for the prevention of human sacrifices, for the encouragement of lawful commerce, for the protection of all white traders, more particularly British, and for the punishment of all pirates and disturbers of the peace and good order of the river.

**COMMODORE** Sir William Nathan Wrighte Hewett, K.C.B., V.C., commanding Her Britannic Majesty's naval forces on the West Coast of Africa, on the part of Her Majesty the Queen of Great Britain and Ireland, &c., and the principal Chiefs holding authority on the south bank of the River Congo (whose names are hereunto subscribed), on the part of themselves, their heirs and successors, have agreed upon the following Articles, viz. :—

**ART. I.** The export of slaves to foreign countries is for ever abolished in the territories of the Chiefs who are parties hereto; and the Chiefs who are parties hereto do, for themselves, their heirs and successors, engage to make and proclaim a law prohibiting any of their dependents, or any person within their jurisdiction, from selling or assisting in the sale of any slaves for transportation to a foreign country, and the Chiefs who are parties hereto promise to inflict a severe punishment on any person who shall break this law.

**II.** No European or other person whatever shall be permitted to reside within the territories of the Chiefs who are parties hereto, or of their heirs or successors, for the purpose of carrying on in any way the Traffic in Slaves; and no houses, stores, or buildings of any kind whatever shall be erected for the purpose of the Slave Trade within the territories of the Chiefs who are parties hereto, or of their heirs or successors; and if any such houses, stores, or buildings shall at any future time be erected, and the Chiefs who are parties thereto, or their heirs or successors, fail or find themselves unable to destroy them, they may be destroyed

by any British officers employed for the suppression of the Slave Trade.

III. If at any time it shall appear that the Slave Trade has been carried on through or from the territories of the Chiefs who are parties hereto, the Slave Trade may be put down by force upon those territories; and British officers may seize the boats of the Chiefs who are parties hereto, or of their heirs and successors, found anywhere carrying on the Slave Trade; and the Chiefs who are parties hereto, their heirs and successors, will subject themselves to Her Britannic Majesty's severe displeasure.

IV. The subjects of Her Britannic Majesty, and all white foreigners, may always trade freely with the people of the Chiefs who are parties hereto, and of their heirs and successors, in every article they may wish to buy or sell, at any place whatever within their respective territories; and the Chiefs who are parties hereto, for themselves, their heirs and successors, pledge themselves to show no favour and to give no privilege to the ships and traders of other countries which they do not show to those of Great Britain.

V. In the event of any British or other foreign vessel running aground in any part of the River Congo near to our respective territories, we, the Chiefs who are parties hereto, faithfully promise for ourselves, our heirs and successors, that we will in no way allow them to be interfered with under any pretence whatever, unless an application be made to us for assistance; and we do further faithfully promise that, immediately we hear of any such vessel being on shore and in danger, we will communicate the intelligence to the nearest white settler.

VI. Should any British or other foreign vessel, being aground in the river, apply to us for assistance, we, the Chiefs who are parties hereto, for ourselves, our heirs and successors, most faithfully promise to render her individually all the help in our power, provided we are fairly paid for our trouble.\*

VII. Should the ships of British or other friendly traders be attacked by pirates or plunderers, we, the Chiefs who are parties hereto, for ourselves, our heirs and successors, most faithfully promise assistance by sending our people with arms, and to do all in our power to punish the robbers.

VIII. If at any time a naval officer of Great Britain shall require guides or armed people from the Chiefs who are parties hereto, or their heirs and successors, to accompany the said officer on an expedition against pirates or other enemies of the Queen of

\* N.B.—✕ Mark put on copies given to Chiefs to enable them to point out more readily to the master of a vessel in distress the conditions under which they are bound to render assistance.

Great Britain, &c., the Chiefs who are parties hereto faithfully promise for themselves, their heirs and successors, to provide them.

IX. The Chiefs who are parties hereto, for themselves, their heirs and successors, declare that no human beings shall be sacrificed on account of religious or other ceremonies, and that they will prevent the barbarous practice of murdering prisoners in war.

X. Missionaries, or other ministers of the Gospel, are to be allowed to reside in the territories of the Chiefs who are parties hereto, their heirs and successors, for the purpose of instructing the people in all useful occupations.

XI. And in consideration of these engagements all past offences of the Chiefs whose names are hereunto subscribed against the Queen of Great Britain, &c., are hereby forgiven.

Concluded on board Her Majesty's ship *Active*, off Sharks' Point, in the River Congo, this 27th day of March, A.D. 1876.

Signed by the Contracting Parties.

W. N. W. HEWETT, *Commodore, Commanding  
Her Britannic Majesty's Naval Forces on the  
West Coast of Africa.*

Their

X KING PARKER.  
X KING ASSAMBA.  
X KING KALA.  
X POLO BOLO.  
X 'M. PACA.  
X NANTUDY.

marks.

Witnesses :

HENRY C. W. GIBSON, *Secretary to the Commodore.*

E. N. ROLFE, *Lieutenant, H.M.S. Active.*

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(4.)—*ADDITIONAL ARTICLES to the Treaty with the Chiefs of the River Congo of 1st June, 1865.\* (Wrecks, &c.) River Congo, March 27, 1876.*

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ART. I. In the event of any British or other foreign vessel running aground in any part of the River Congo near to our respective territories, we, the Chiefs whose names are hereunto subscribed, faithfully promise for ourselves, our heirs and successors, that we will in no way allow them to be interfered with under any pretence whatever, unless an application be made to us for assistance; and we do further faithfully promise that immediately we hear of any



such vessel being on shore, and in danger, we will communicate the intelligence to the nearest white settler.

II. Should any British or other foreign vessel, being aground in the river, apply to us for assistance, we, the Chiefs whose names are hereunto subscribed, most faithfully promise to render her individually all the help in our power, provided we are fairly paid for our trouble.\*

Agreed to on board Her Majesty's ship *Active*, lying off Sharks' Point, in the River Congo, on the 27th day of March, A.D. 1876, for ourselves and on behalf of Don Joa Franco Antonio, the present King.

Their

✕ DOMINGO, *Antonio's brother.*

✕ 'M. BAINGO, *Antonio's son.*

marks.

In consideration of these engagements all past offences of the above Chiefs against Her Majesty the Queen of Great Britain and Ireland, &c., are hereby forgiven.

W. N. W. HEWETT, *Commodore, Commanding Her Britannic Majesty's Ships on the West Coast of Africa. March 27, 1876.*

Witnesses:

HENRY C. W. GIBSON, *Secretary to the Commodore.*

E. N. ROLFE, *Lieutenant, H.M.S. Active.*

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(5.)—*ADDITIONAL ARTICLES to the Treaty with the Chiefs of the River Congo of 6th June, 1865.† (Wrecks, &c.) River Congo, March 27, 1876.*

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ART. I. In the event of any British or other foreign vessel running aground in any part of the River Congo near to our respective territories, we, the Chiefs whose names are hereunto subscribed, faithfully promise for ourselves, our heirs and successors, that we will in no way allow them to be interfered with under any pretence whatever, unless an application be made to us for assistance; and we do further faithfully promise that immediately we hear of any such vessel being on shore, and in danger, we will communicate the intelligence to the nearest white settler.

II. Should any British or other foreign vessel, being aground in the river, apply to us for assistance, we, the Chiefs whose names are hereunto subscribed, most faithfully promise to render her indi-

\* N.B.—✕ Mark put on copies given to Chiefs to enable them to point out more readily to the master of a vessel in distress the conditions under which they are bound to render assistance.

† Vol. LVII. Page 365.

vidually all the help in our power, provided we are fairly paid for our trouble.\*

Agreed to on board Her Majesty's ship *Active*, lying off Sharks' Point, in the River Congo, on the 27th day of March, A.D. 1876.

Their

✕ KING PLENTY.

✕ KING MEDORA.

✕ CAPETA MEDORA.

marks.

In consideration of these engagements all past offences of the above Chiefs against Her Majesty the Queen of Great Britain and Ireland, &c., are hereby forgiven.

W. N. W. HEWETT, *Commodore, Commanding Her Britannic Majesty's Ships on the West Coast of Africa. March 27, 1876.*

Witnesses :

HENRY C. W. GIBSON, *Secretary to the Commodore.*

E. N. ROLFE, *Lieutenant, H.M.S. Active.*

(6.)—*TREATY with King Anizanza, holding authority on the North Bank of the River Congo. (Slave Trade. Commerce. Human Sacrifices, &c.) River Congo, April 19, 1876.*

ENGAGEMENT between Her Majesty the Queen of Great Britain and Ireland, &c., and King Anizanza, for the abolition of the Traffic in Slaves ; for the prevention of human sacrifices ; for the encouragement of lawful commerce ; for the protection of all white traders, more particularly British ; and for the punishment of all pirates and disturbers of the peace and good order of the river.

LIEUTENANT HENRY CHAPMAN WALKER, commanding Her Britannic Majesty's ship *Foam* and Senior Officer in the Congo, on the part of Her Majesty the Queen of Great Britain and Ireland, &c., and King Anizanza, whose names are hereunto subscribed on the part of himself, his heirs and successors, have agreed upon the following Articles :—

ART. I. The export of slaves to foreign countries is for ever abolished in my territory, and I do pledge myself, my heirs and successors, to engage and make and proclaim a law prohibiting any of my dependents, or any person within my jurisdiction, from sell-

\* N.B.—✕ Mark put on copies given to Chiefs to enable them to point out more readily to the master of a vessel in distress the conditions under which they are bound to render assistance.

ing or assisting in the sale of any slaves for transportation to a foreign country, and I hereto promise to inflict a severe punishment on any person who shall break the law.

II. No European or other person whatever shall be permitted to reside within my territories, or those of my heirs or successors, for the purpose of carrying on in any way the traffic in slaves; and no houses, stores, or buildings of any kind whatever, shall be erected for the purpose of the Slave Trade within my territories, or of my heirs or successors; and if any such houses, stores, or buildings shall at any future time be erected, and I, my heirs or successors, fail or find ourselves unable to destroy them, they may be destroyed by any British officers employed for the suppression of the Slave Trade.

III. If at any time it shall appear that the Slave Trade has been carried on through or from my territories, the Slave Trade may be put down by force upon those territories, and any British officers may seize my boats, or those of my heirs or successors, found anywhere carrying on the Slave Trade, and I, my heirs or successors, will be subject to Her Britannic Majesty's severe displeasure.

IV. The subjects of Her Britannic Majesty and all white foreigners may always trade freely with my people, and those of my heirs or successors, in every article they may wish to buy or sell at any place whatever within my territory; and I for myself, my heirs or successors, pledge myself to show no favour and to give no privilege to the ships and traders of other countries which I do not show to those of Great Britain.

V. In the event of any British or other foreign vessel running aground in any part of the River Congo near to my territory, I faithfully promise for myself, my heirs and successors, that I will in no way allow them to be interfered with under any pretence whatever, unless an application be made to me for assistance; and I do further faithfully promise that, immediately I hear of any vessel being on shore and in danger, I will communicate the intelligence to the nearest white settler.

VI. Should any British or other foreign vessel, being aground in the river, apply to me for assistance, I for myself, my heirs and successors, most faithfully promise to render her all the help in my power, provided I am fairly paid for my trouble.

VII. Should the ships of British or other friendly traders be attacked by pirates or plunderers, I for myself, my heirs and successors, most faithfully promise assistance by sending my people with arms, and to do all in my power to punish the robbers.

VIII. If at any time a naval officer of Great Britain shall require guides or armed people from myself, my heirs or successors, to accompany the said officer against pirates or other enemies of the

Queen of Great Britain, &c., I faithfully promise for myself, my heirs and successors, to provide [them].

IX. I for myself, my heirs and successors, declare that no human being shall be sacrificed on account of religious or other ceremonies, and that I will prevent the barbarous practice of murdering prisoners in war.

X. Missionaries or other ministers of the Gospel are to be allowed to reside in my territory, and those of my heirs and successors, for the purpose of instructing the people in all useful occupations.

XI. And in consideration of these engagements all past offences of Anizanza against the Queen of Great Britain, &c., are hereby forgiven.

Concluded on board Her Majesty's ship *Foam*, laying off Point Henderson, in the River Congo, on the 19th April, 1876.

(L.S.) HENRY C. WALTER, *Lieutenant*

His *Commanding H.M.S. Foam.*

X ANIZANZA.

Witnesses : mark.

H. SANCTUARY, *Navigating Sub-Lieutenant, H.M.S. Foam.*

ROBT. SPROULE, *Surgeon, H.M.S. Foam.*

Their

X CAPETA.

X YOUKA, *Son of Anizanza.*

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# CONVENTION d'Extradition entre la France et la Principauté de Monaco.—Signée à Paris, le 8 Juillet, 1876.

[Ratifications échangées à Paris, le 25 Février, 1877.]

LE Gouvernement de la République Française et le Gouvernement de Son Altesse Sérénissime le Prince de Monaco ayant résolu, d'un commun accord, de conclure une Convention d'extradition des malfaiteurs, ont nommé pour leurs Plénipotentiaires à cet effet, savoir :

Le Président de la République Français, M. Gabriel Jacques Joseph Alfred Villefort, Ministre Plénipotentiaire, Chargé du Contentieux des Affaires Politiques au Département des Affaires Étrangères, Officier de l'Ordre National de la Légion d'Honneur, &c.; et

Son Altesse Sérénissime le Prince de Monaco, M. Charles-Antoine Adalbert, Marquis de Maussabré-Beufvier, son Ministre

Plénipotentiaire près le Gouvernement Français, Chevalier de l'Ordre de Saint Charles de Monaco, &c. ;

Lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivants :—

ART. I. Les Gouvernements Français et Monégasque s'engagent à se livrer réciproquement, suivant les règles déterminées par les Articles suivants, à l'exception de leurs nationaux, les individus condamnés, poursuivis, mis en prévention ou en accusation, comme auteurs ou complices, pour un des crimes ou délits ci-après énumérés.

II. Les crimes et délits sont :

1. L'assassinat, l'empoisonnement, le parricide et l'infanticide ;
2. Le meurtre ;
3. Les menaces d'un attentat contre les personnes ou les propriétés punissable de peines criminelles ;
4. Les coups portés et les blessures faites volontairement, soit avec préméditation, soit quand il en est résulté une infirmité ou incapacité permanente de travail personnel, la perte ou la privation de l'usage absolu d'un membre, de l'œil ou de tout autre organe, une mutilation grave, ou la mort sans intention de la donner ;
5. L'avortement ;
6. L'administration volontaire et coupable, quoique sans intention de donner la mort, de substances pouvant la donner ou altérer gravement la santé ;
7. L'enlèvement, le recel, la suppression, la substitution ou la supposition d'enfant ;
8. L'exposition ou le délaissement d'enfant ;
9. L'enlèvement de mineurs ;
10. Le viol ;
11. L'attentat à la pudeur avec violence ;
12. L'attentat à la pudeur, sans violence, sur la personne ou à l'aide de la personne d'un enfant de l'un ou de l'autre sexe âgé de moins de 13 ans ;
13. L'attentat aux mœurs, en excitant, facilitant ou favorisant habituellement, pour satisfaire les passions d'autrui, la débauche ou la corruption de mineurs de l'un ou de l'autre sexe ;
14. Les attentats à la liberté individuelle et à l'inviolabilité du domicile commis par des particuliers ;
15. La bigamie ;
16. L'association de malfaiteurs ;
17. La contrefaçon ou falsification d'effets publics ou de billets de banque, de titres publics ou privés, l'émission ou mise en circulation de ces effets, billets ou titres contrefaits ou falsifiés ; le faux en écriture ou dans les dépêches télégraphiques, et l'usage de ces dépêches, effets, billets ou titres contrefaits, fabriqués ou falsifiés ;

18. La fausse monnaie, comprenant la contrefaçon et l'altération de la monnaie, l'émission et la mise en circulation de la monnaie contrefaite et altérée;

19. La contrefaçon ou falsification de sceaux, timbres, poinçons et marques; l'usage de sceaux, timbres, poinçons et marques contrefaits ou falsifiés, et l'usage préjudiciable de vrais sceaux, timbres, poinçons et marques;

20. Le faux témoignage et la subornation de témoins;

21. Le faux serment;

22. La concussion et les détournements commis par les fonctionnaires publics;

23. La corruption de fonctionnaires publics ou d'arbitres;

24. L'incendie;

25. Le vol;

26. L'extorsion, dans les cas prévus par l'Article 400, paragraphe 1, du Code Pénal Français;

27. L'escroquerie;

28. L'abus de confiance;

29. Les tromperies en matière de marchandises, prévues en France par l'Article 423 du Code Pénal et les Lois des 27 Mars, 1851, 5 Mai, 1855, et 27 Juillet, 1867;

30. La banqueroute frauduleuse et les fraudes dans les faillites, prévues par les Articles 591, 593, Nos. 1 et 2, et 597 du Code de Commerce Français;

31. Les actes attentatoires à la libre circulation sur les chemins de fer, prévus par les Articles 16 et 17 de la Loi Française du 15 Juillet, 1845;

32. La destruction de constructions, de machines à vapeur ou appareils télégraphiques;

33. La destruction ou la dégradation de tombeaux, de monuments, d'objets d'art, de titres, documents, registres et autres papiers;

34. Les destructions, détériorations ou dégâts de denrées, marchandises ou autres propriétés mobilières;

35. La destruction ou dévastation de récoltes, plants, arbres ou greffes;

36. La destruction d'instruments d'agriculture, la destruction ou l'empoisonnement de bestiaux ou autres animaux;

37. L'opposition à la confection ou exécution de travaux autorisés par le pouvoir compétent;

38. Les crimes et délits maritimes prévus par les Lois Françaises du 10 Avril, 1825, et du 24 Mars, 1852;

39. Le recèlement des objets obtenus à l'aide d'un des crimes ou délits prévus dans l'énumération qui précède.

Sont comprises dans les qualifications précédentes les tentatives, lorsqu'elles sont prévues par les législations des deux pays.

En matière correctionnelle ou de délits, l'extradition aura lieu dans les cas prévus ci-dessus :—

1. Pour les condamnés contradictoirement ou par défaut, lorsque le total des peines prononcées sera au moins d'un mois d'emprisonnement.

2. Pour les prévenus, lorsque le maximum de la peine applicable au fait incriminé sera, d'après la loi du pays réclamant, au moins de deux ans d'emprisonnement ou d'une peine équivalente, ou lorsque le prévenu aura déjà été condamné à une peine criminelle ou à un emprisonnement de plus d'un an.

Dans tous les cas, crimes ou délits, l'extradition ne pourra avoir lieu que lorsque le fait similaire sera punissable d'après la législation du pays à qui la demande a été adressée.

III. Il est expressément stipulé que l'étranger dont l'extradition aura été accordée ne pourra, dans aucun cas, être poursuivi ou puni pour aucun délit politique antérieur à l'extradition, ni pour aucun fait connexe à un semblable délit.

Ne sera pas réputé délit politique ni fait connexe à un semblable délit l'attentat contre la personne du chef d'un État étranger ou contre celle des membres de sa famille, lorsque cet attentat constituera le fait soit de meurtre, soit d'assassinat, soit d'empoisonnement.

IV. La demande d'extradition devra toujours être faite par la voie diplomatique.

V. L'extradition sera accordée sur la production soit du jugement ou de l'arrêt de condamnation, soit de l'ordonnance de la Chambre du Conseil, de l'arrêt de la Chambre des Mises en Accusation, ou de l'acte de procédure criminelle émané du Juge ou de l'autorité compétente, décrétant formellement ou opérant de plein droit le renvoi du prévenu ou de l'accusé devant la juridiction répressive, délivré en original ou en expédition authentique.

Elle sera également accordée sur la production du mandat d'arrêt ou de tout autre acte ayant le même force, décerné par l'autorité compétente, pourvu que ces actes renferment l'indication précise du fait pour lequel ils ont été délivrés.

Ces pièces seront accompagnées d'une copie du texte de la loi applicable au fait incriminé, et, autant qu'il sera possible, du signalement de l'individu réclamé.

Dans le cas où il y aurait doute sur la question de savoir si le crime ou délit objet de la poursuite rentre dans les prévisions de la présente Convention, des explications seront demandées, et, après examen, le Gouvernement à qui l'extradition est réclamée statuera sur la suite à donner à la demande.

VI. En cas d'urgence, l'arrestation provisoire sera effectuée sur avis, transmis par la poste ou par le télégraphe, de l'existence d'un

mandat d'arrêt, à la condition, toutefois, que cet avis sera régulièrement donné, par voie diplomatique, au Ministre des Affaires Étrangères du pays où l'inculpé s'est réfugié.

L'arrestation de l'étranger aura lieu dans les formes et suivant les règles établies par la législation du Gouvernement auquel elle est demandée.

VII. L'étranger arrêté provisoirement, aux termes de l'Article précédent, sera mis en liberté si, dans le délai de quinze jours après son arrestation, le Gouvernement requis n'a été saisi de l'un des documents mentionnés dans l'Article V de la présente Convention.

VIII. Quand il y aura lieu à l'extradition, tous les objets saisis qui peuvent servir à constater le crime ou le délit, ainsi que les objets provenant de vol, seront, suivant l'appréciation de l'autorité compétente, remis à la Puissance réclamante, soit que l'extradition puisse s'effectuer, l'accusé ayant été arrêté, soit qu'il ne puisse y être donné suite, l'accusé ou le coupable s'étant de nouveau évadé ou étant décédé. Cette remise comprendra aussi tous les objets que le prévenu aurait cachés ou déposés dans le pays, et qui seraient découverts ultérieurement.

Sont réservés, toutefois, les droits que des tiers non impliqués dans la poursuite auraient pu acquérir sur les objets indiqués dans le présent Article.

IX. Si l'individu réclaté est poursuivi ou condamné pour une infraction commise dans le pays où il s'est réfugié, son extradition pourra être différée jusqu'à ce que les poursuites soient abandonnées, jusqu'à ce qu'il ait été acquitté ou absous, ou jusqu'au moment où il aura subi sa peine.

Dans le cas où il serait poursuivi ou détenu dans le même pays, à raison d'obligations par lui contractées envers des particuliers, son extradition aura lieu néanmoins, sauf à la partie lésée à poursuivre ses droits devant l'autorité compétente.

X. L'individu qui aura été livré ne pourra être poursuivi ou jugé contradictoirement pour aucune infraction autre que celle ayant motivé l'extradition, à moins du consentement exprès et volontaire donné par l'inculpé et communiqué au Gouvernement qui l'a livré.

XI. L'extradition pourra être refusée si, depuis les faits imputés, le dernier acte de poursuite ou la condamnation, la prescription de la peine ou de l'action est acquise d'après les lois du pays où le prévenu s'est réfugié.

XII. Les frais occasionnés par l'arrestation, la détention, la garde, la nourriture, le transfèrement des prévenus et le transport des objets mentionnés dans l'Article VIII de la présente Convention, au lieu où la remise s'effectuera, seront supportés par celui des deux États sur le territoire duquel les extradés auront été saisis.

XIII. Lorsque, dans la poursuite d'une affaire pénale, un des



deux Gouvernements jugera nécessaire l'audition de témoins domiciliés dans l'autre État, une commission rogatoire sera envoyée à cet effet par la voie diplomatique, et il y sera donné suite par les officiers compétents, en observant les lois du pays où l'audition des témoins devra avoir lieu.

Toutefois, les commissions rogatoires tendant à faire opérer soit une visite domiciliaire, soit la saisie du corps du délit ou de pièces à conviction, ne seront exécutées que pour l'un des faits énumérés à l'Article II du présent Traité et sous la réserve exprimée dans le paragraphe 2 de l'Article VIII ci-dessus. Les Gouvernements respectifs renoncent à toute réclamation ayant pour objet la restitution des frais résultant de l'exécution des commissions rogatoires, dans le cas même où il s'agirait d'expertise, pourvu, toutefois, que cette expertise n'ait pas entraîné plus d'une vacation.

Aucune réclamation ne pourra non plus avoir lieu pour les frais de tous actes judiciaires spontanément faits par les magistrats de chaque pays pour la poursuite ou la constatation de délits commis sur le territoire par un étranger qui serait ensuite poursuivi dans sa patrie, conformément aux Articles V et VI du Code d'Instruction Criminelle Français.

XIV. Les simples notifications d'actes, jugements ou pièces de procédure, réclamées par la justice de l'un des deux pays, seront faites à tout individu résidant sur le territoire de l'autre pays, sans engager la responsabilité de l'État, qui se borne à en assurer l'authenticité.

À cet effet la pièce transmise diplomatiquement ou directement au Ministère Public du lieu de la résidence sera signifiée à la personne, à sa requête, par les soins d'un officier compétent, et il renverra au magistrat expéditeur, avec son visa, l'original constatant la notification.

XV. Si, dans une cause pénale, la comparution personnelle d'un témoin est nécessaire, le Gouvernement du pays où réside le témoin l'engagera à se rendre à l'invitation qui lui sera faite. Dans ce cas, des frais de voyage et de séjour, calculés depuis sa résidence, lui seront accordés d'après les tarifs et règlements en vigueur dans le pays où l'audition devra avoir lieu ; il pourra lui être fait, sur sa demande, par les soins des magistrats de sa résidence, l'avance de tout ou partie des frais de voyage, qui seront ensuite remboursés par le Gouvernement intéressé. Aucun témoin, quelle que soit sa nationalité, qui, cité dans l'un des deux pays, comparaitra volontairement devant les Juges de l'autre pays, ne pourra y être poursuivi ou détenu pour des faits ou condamnations criminels antérieurs, ni sous prétexte de complicité dans les faits objet du procès où il figurera comme témoin.

XVI. Il est formellement stipulé que l'extradition, par voie de

transit à travers le territoire de l'une des Parties Contractantes, d'un individu livré à l'autre partie sera accordée sur la simple production, en original ou en expédition authentique, de l'un des actes de procédure mentionnés à l'Article V, pourvu que le fait servant de base à l'extradition soit compris dans le présent Traité et ne rentre pas dans les prévisions des Articles XIII et XI.

XVII. La présente Convention sera exécutoire dix jours après la publication, qui en sera faite dans les formes prescrites par les lois des deux pays.

Elle demeurera en vigueur jusqu'à l'expiration d'une année à compter du jour où l'une des Hautes Parties Contractantes aura déclaré vouloir en faire cesser les effets.

Elle sera ratifiée, et les ratifications en seront échangées le plus tôt que faire se pourra.

Est abrogé l'Article XVIII de la Convention relative à l'Union Douanière et aux rapports de voisinage entre la France et la Principauté de Monaco, conclue le 9 Novembre, 1865.\*

En foi de quoi les Plénipotentiaires respectifs ont signé la présente Convention, qu'ils ont revêtue du cachet de leurs armes.

Fait à Paris, le 8 Juillet, 1876.

(L.S.) VILLEFORT.

(L.S.) MARQUIS DE MAUSSABRÉ-BEUFVIER.

*CONSULAR CONVENTION between Portugal and Brazil.—  
Signed at Rio de Janeiro, February 25, 1876.*

[Ratifications exchanged at Lisbon, May 27, 1876.]

HIS Majesty the King of Portugal and of the Algarves, and HIS Majesty the Emperor of Brazil, acknowledging the necessity of laying down and fixing in a clear and precise manner the functions, prerogatives, and immunities of Consular Agents in either of the two countries, have determined to conclude a Convention, and have, for this purpose, appointed their Plenipotentiaries, namely :

HIS Majesty the King of Portugal and of the Algarves, Senhor Mathias de Carvalho e Vasconcellos, his Councillor, Knight Commander of the Order of Christ, and of the ancient, most noble, and enlightened Order of St. James, for the reward of scientific, literary, and artistic merit, Grand Cross of the Order of the Rose of Brazil and of that of Leopold of Belgium, Honorary Minister and Secretary

of State, his Envoy Extraordinary and Minister Plenipotentiary to His Majesty the Emperor of Brazil, &c.; and

His Majesty the Emperor of Brazil, Senhor João Mauricio Wanderley, Baron de Cotegipe, a Senator and Grandee of the Empire, a Councillor to the same august personage, a Dignitary of the Imperial Order of the "Cruzeiro," Knight Commander of the Order of the Rose, Grand Cross of the Orders of Our Lady of the Conception of Villa Viçosa of Portugal, of Izabel Catholica of Spain, and of that of Leopold of Belgium, and Minister and Secretary of State for Foreign Affairs, &c. ;

Who, after exchanging their full powers, and finding the same in due and proper form, have agreed upon the following Articles :—

ART. I. Either of the High Contracting Parties shall have the right of appointing and maintaining Consuls-General, Consuls, Vice-Consuls, and Consular Agents in any ports, cities, or places within the territory of the other, wherever they may be required for the development of trade and for the protection of the rights and interests of their respective subjects ; under the reservation of excepting any place where the appointment of such Agents may not be expedient.

II. The Consuls-General, Consuls, Vice-Consuls, and Consular Agents appointed by Portugal and by Brazil shall not enter upon the discharge of their functions until they shall have submitted their respective appointments for the exequatur, according to the form adopted in either country.

The administrative and judicial authorities of the districts to which such Agents may be appointed, shall, in view of the exequatur—which is to be issued to them gratis—immediately recognize them in the discharge of their office, and with a view to the enjoyment of the prerogatives and immunities conferred upon them by this Convention.

Any Agents who may act *ad interim*, with the permission of the proper authorities, in the event of the inability to act, absence, or death of any Consuls, Vice-Consuls, or Consular Agents, shall enjoy the same privileges.

Either of the High Contracting Parties reserves the right of withdrawing the exequatur given to the appointment of any of the said functionaries, whenever it may be deemed expedient, on stating the grounds for taking this course.

III. The Consuls duly authorized by their Governments may appoint Vice-Consuls or Consular Agents to the several ports, cities, or places within their district, wherever the public service intrusted to them shall require it : saving, however, the approval and exequatur of the territorial Government. These Agents may be selected just as much from among the citizens of the two countries

as from among foreigners ; and they shall be furnished with a letter of appointment, issued by the Consul who may have appointed them, and under whose orders they will have to serve.

IV. The Consuls-General, Consuls and their Chancelliers, Vice-Consuls, and Consular Agents shall enjoy all the prerogatives and immunities which are generally admitted by the Law of Nations; such as exemption from giving lodging to the military forces in their houses and from all direct taxes, both personal and sumptuary, or on movable property, whether imposed by the State or by any provincial or municipal authorities, unless they should hold any real property, or be engaged in business, or exercise any trade or profession ; for if so they shall be subject to the same charges and taxes as the natives.

Moreover, they shall enjoy personal immunity, except for any crimes that are described in the penal legislation of the respective country as unbailable or grievous. If they are merchants, the penalty of imprisonment may be imposed upon them for any commercial acts.

They cannot be compelled to appear as witnesses before the Courts of Justice. Should the local authority desire to obtain from such functionaries any declaration or information, it must apply for it in writing, or else proceed to their residence in order to receive it in person.

Should either of the High Contracting Parties appoint a subject of the other to be a Consular Agent in the territory of the latter, such Agent shall continue to be considered a subject of the nation to which he belongs, and he shall be subject to the laws and regulations in force for the natives at the place where he resides, but, nevertheless, this subjection shall not in any way serve as a hindrance to him in the discharge of his functions.

This latter clause does not affect the personal immunities mentioned in the third paragraph.

V. Should any Consular functionary die without having named a substitute, the local authority shall immediately proceed to affix seals to the archives in the presence of a Consular Agent of a confessedly friendly nation, residing in the district, if possible, and of two persons being the subjects of the country whose interests were represented by the deceased ; and, in the absence of these, of two of the most notable persons in the place. A record shall be drawn up of the act, in duplicate ; of which one is to be forwarded to the Consul to whom the vacant Consular Agency may be subject.

When the new functionary shall take possession of the archives, the breaking of the seals shall be done in the presence of the local authority and of the persons that shall have witnessed the placing thereof, if on the spot.

VI. The Consular archives shall be inviolable, and the local authorities shall not in any case examine them or lay an embargo upon them, and for this purpose they must always be kept apart from the books and papers relating to the business or profession carried on by the respective Consuls, Vice-Consuls, or Consular Agents.

VII. The Consuls-General, Consuls, Vice-Consuls, and Consular Agents may place outside the Consulate the arms of their nation with the following inscription: "Consulate-General, Consulate, Vice-Consulate, or Consular Agency of . . . .;" and they may hoist the respective flag on festive days, according to the customs of each country. They may also hoist their flag in the boats conveying them on board any ships in port in the discharge of their Consular duties. These exterior signs are only intended to indicate the residence or the presence of the Consular functionary, and shall not in any case constitute the right of asylum.

VIII. The Consuls-Generals, Consuls, Vice-Consuls, and Consular Agents, or those acting in their stead, may address the authorities of their district; and in the case of necessity, in the absence of a Diplomatic Agent of their nation, they may appeal to the Government of the country where they discharge their Consular functions, for the purpose of complaining against any infraction of the Treaties or Conventions in force between the two countries, or against any abuses to the detriment of their fellow-subjects.

IX. The said Agents shall have the right of receiving either in their chanceries, in the houses of the parties concerned, or on board the ships of their country, any declarations or other deeds from the captains and crews, passengers, and merchants, or subjects of their nation, including wills or testamentary wishes, amicable divisions of property (should all the heirs be of age and present there), compromises, deliberations, and awards, and any other acts appertaining to voluntary jurisdiction.

In case the said deeds should have reference to real property situated in the country, a notary or else the proper public clerk of the place shall be called to be present at the drawing up thereof, and to sign the same together with the said Agents under pain of nullity.

X. The said functionaries, moreover, shall have the right of drawing up in their chanceries any contracts between their fellow-citizens, and between the latter and other persons of the country where they reside, as well as any other deeds of the same nature, and solely affecting the subjects of this latter country, provided they relate to any property that may be situated within the territory of the nation to which the Consular Agent, before whom they may

have been drawn up, may belong, or else to any matters that have to be treated therein.

The copies of the said deeds, duly certified to by the Consuls-General, Consuls, Vice-Consuls, and Consular Agents, and stamped with their respective official seals, shall be held valid before any Court, Judge, or authority of Portugal or of Brazil, as if they were the originals; and they shall respectively have the same force and validity as if they had been drawn up by any notaries or other competent public officers, provided they are drawn up in accordance with the laws of the State to which the Consul belongs, and provided they shall have been previously stamped and registered, and the register thereof laid before the proper judicial authority, and also undergone any other formalities required by law in the country where they are to be carried into effect.

XI. The Consuls-General, Consuls, Vice-Consuls, and Consular Agents are the exclusively competent persons to deal with matters relating to discipline on board the ships of their nation; and it is their business to take cognizance of any disputes that may arise among the master, officers, crew, and other individuals entered in any capacity in the ship's muster-roll, including everything concerning wages as well as the fulfilment of any contracts concluded between them.

The local authorities shall only interfere in case the disturbances occasioned thereby should be of such a nature as to affect the public peace and order either on shore or in port, and in the event of any native of the country or of any person, not forming part of the crew, being implicated therein.

In all other cases the local authorities shall confine their action to giving effectual assistance to the Consular Agents whenever they may require it, in order to arrest and to convey to prison any of the crew against whom they may, on any grounds, deem it expedient to act in this manner.

XII. In order to convey to prison or on board ship, or in fact to send back to their native country, any sailors or any other persons of the crew that shall have deserted from any merchant-vessels, the Consuls-General, Consuls, Vice-Consuls, and Consular Agents must write to the proper local authorities, and they must prove by showing the ship's register or muster-roll, or else by means of an authentic copy of such documents, that the persons claimed actually formed part of the crew.

Should the desertion have been from a ship-of-war, it must be proved by a formal declaration of the officer in command, or else of the respective Consul if absent.

Where there are no Consular Agents, applications for the purpose must be made by the officers in command; and, if absent, by

the Consular Agent of the nearest district, with the same formalities.

Any such application, accompanied by such documents, for the surrender of the individuals in question cannot be refused; and the local authority shall render every aid and assistance with a view to the searching, capture, and imprisonment of said deserters, who shall be kept in the gaols of the country, at the request and order of the said Agents until the latter shall find an opportunity of sending them off.

Such detention, however, shall not last longer than three months, at the expiration of which, upon three days' previous notice being given to the Consular Agent, the prisoner shall be set free, and he cannot be again arrested for the same offence.

Should the deserter have committed any crime on shore, his surrender shall be adjourned until the proper tribunal shall have pronounced sentence, and the latter shall have been carried into execution.

Any sailors or persons of the crew who may be subjects of the country where the desertion shall occur, are excepted from the stipulations of this Article.

XIII. Whenever no stipulations to the contrary shall have been made between the owners, shippers, and underwriters of the ships of either of the two countries proceeding to the ports of the other, either of their own free will, or by "force majeure," the average will be regulated by the respective Consuls-General, Consuls, Vice-Consuls, or Consular Agents; unless any subjects of the country where the said functionaries reside, or of any third Power, shall be interested therein, in which case, should there be no engagement or agreement among all the parties interested, it must be regulated by the proper authority.

XIV. Should a ship belonging to the Government, or to the subjects of either of the High Contracting Parties, go ashore, or be wrecked within the territorial waters of the other, the local authorities shall immediately notify the event to the Consular functionary that may be nearest to the place of the disaster, and all the operations relating to the salvage of the vessel, of the cargo, and of the other articles therein shall be carried out under the direction of the Consuls-General, Consuls, and Vice-Consuls, or Consular Agents.

The local authorities are only to interfere in the matter for the purpose of affording the necessary assistance to the Consular Agents, of maintaining order, of guaranteeing the interests of the salvors not belonging to the crew, and of insuring a compliance with the rules respecting the entry and clearance of merchandize saved, as well as the recovery of the duties thereon.

In the absence, and 'until the arrival of the Consular Agent, the local authorities shall take all the measures that may be required for the protection of individuals, and for the custody of the articles saved.

Should there be a doubt as to the nationality of the ships, the duties mentioned in Article I shall be exclusively performed by the local authorities.

The merchandize and other effects saved shall not be liable to any Customs duty, unless entered for home consumption.

Should the stranded or wrecked vessel, and the goods and merchandize saved, as well as the papers found on board, be claimed by the owners or their representatives, they shall be delivered over to them, and the salvage operations will be carried out under their orders, unless they should prefer to intrust them to the Consular Agent.

Whenever the parties interested in the cargo of the said vessel shall happen to be the subjects of the country where the disaster may have occurred, the goods and merchandize belonging to them, or the proceeds thereof if sold, shall not be kept in the hands of the Consular Officers, but they must be deposited, with a view to the delivery thereof to the lawful owners.

XV. In the event of the death of any subject of either of the High Contracting Parties in the territory of the other, the proper local authority shall immediately notify the fact to the respective Consul-General, Consul, Vice-Consul, or Consular Agent; and the latter shall also, on their part, acquaint the same authority therewith, should they have learned it previously.

XVI. It is the duty of the Consular Officers of the country to which the deceased may have belonged to take all the necessary steps for the recovery, custody, maintenance, administration, and liquidation of the inheritance, as well as for the delivery thereof to the heirs or to their duly authorized representatives, in any of the following cases:—

1. When the heirs are unknown :
2. When they happen to be minors, absent, or incapable, and of the same nationality as the deceased ;
3. When the executor named in the will is absent or declines the charge.

XVII. The inventory, administration, and liquidation of the inheritance shall be carried on by the local Court of Justice :

1. Whenever there is an executor appointed by will, who is present and accepts the charge ;
2. Whenever there is a surviving widower or widow, to whom it may appertain to remain in possession of the inheritance as head of the estate or family (*cabeça de casal*).



3. Whenever there is an heir to the property who may both be of age and present, and who ought to make the inventory in accordance with the laws of both countries;

4. Whenever, in addition to the heirs of the same nationality as the deceased, there are other heirs, who are minors, absent, or incapable, and of a different nationality.

§ Should there be, however, in any of these hypotheses, an heir who shall be a minor, or absent, or incapable, and of the same nationality as the deceased, the Consul-General, Consul, Vice-Consul, or Consular Agent shall apply to the proper local authority to be appointed to discharge the duties of guardian or curator, which application will be granted to them. When the division is made, the Consular Officer shall recover the portion of the inheritance belonging to those he represents, and continue to administer the property, as well as the persons of the minors and of the parties who are unfit to act for themselves.

It is understood that, after the division shall have been made and the property delivered to the Consular Officer or to his attorney, the interference of the local authority is to cease, except as far as regards the effects referred to in the second part of section 2 of Article XXIII.

Either the father or the guardian appointed by will shall discharge the duties of guardianship over the respective heirs who may happen to be minors, in which case the Consul-General, Consul, Vice-Consul, or Consular Agent will undertake the duty of curator of the said minors. Should the father or the guardian named die or be removed, the rule laid down in the first part of this paragraph is to be observed.

XVIII. In the case of minors being the sons of a Portuguese subject and born in Brazil, the civil status of their father is to be applied to them until their coming of age, in accordance with the Law of December 10, 1860, and for the effects of the stipulations contained in this Convention. *Vice versa*, the Brazilian Consular Officers in Portugal will recover and administer any inheritances of their fellow-subjects in the event of the hypothesis mentioned in the second section of Article XVI occurring, or else they will represent the minors—being the children of a deceased Brazilian in accordance with the sole paragraph of Article XVII.

XIX. Universal legatees stand on the same footing as the heirs.

XX. Should all the heirs be of full age, they may, by mutual agreement proceed to take the inventory, and administer and liquidate the inheritance, either before the local Judge or the Consular Officer.

XXI. The following rules are to be followed by the Consular Officer in all cases in which, in virtue of Article XVI, it shall be his

exclusive duty to proceed to the recovery, inventory, custody, administration, and liquidation of an inheritance :

1. Should it be possible to make out the list of the property in one day, he shall immediately comply with this duty after the demise, and take the property under his custody and administration.

2. Should it be impossible to conclude the list within that term, he shall instantly place seals upon the movable property and papers of the deceased, and proceed afterwards to make out the list of all the property with regard to which he shall act as above stated.

3. The proceedings mentioned in the two foregoing clauses shall be performed in the presence of the local authority, in case the latter, after receiving due notice from the Consular Officer, should think proper to be present thereat, and of two proper witnesses.

4. If, after death and in compliance with the rule laid down in Article XV, the local authority, on calling at the house of the deceased, shall not find there the Consular Officer, the said authority shall merely affix its seals.

On the arrival of the Consular Officer, should the local authority be present, the seals shall be broken, and the said officer shall, in the presence of that authority—if he should be willing to be present—proceed to make a list of the property.

Should the aforesaid authority not be present, the Consular Officer shall invite him in writing to appear within a term of not less than three days, nor more than eight, in order to break the seals and to proceed to carry out the other acts named above. Should the local authority not appear, the Consular Officer shall act by himself.

5. Should a will be found among the papers of the deceased in the course of the operations above-named, or should there be a will anywhere else, the opening thereof shall take place with all the legal formalities in the presence of the local Judge, who shall forward an authentic copy of the same to the Consular Officer within the term of four days.

6. Within the term of four days the Consular Officer shall forward to the local authority an authentic copy of the records both of the affixing and breaking of the seals, as well as of the list of the property and effects.

7. The Consular Officer shall announce the death of the author of the inheritance within fifteen days from the date when he shall have received the notice thereof.

XXII. Any questions as to the validity of a will shall be submitted to the local Judges.

XXIII. The Consular Officer, after carrying out the operations mentioned in Article XXI, shall adhere to the following rules, with respect to the administration and liquidation of the inheritance :

1. Before everything else he shall pay the expenses of the

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funeral, which shall be in accordance with the position and wealth of the deceased.

2. He shall sell immediately at public auction, in accordance with the laws and established customs, any effects that may become deteriorated, or which it may be either difficult or expensive to keep.

For the sale of any real property the Consular Officer shall apply to the local Judge for authority to do so.

3. He shall recover, either amicably or judicially, any debts, rents, dividends, interest on public funded stock, as well as any other revenues and sums due to the inheritance, giving a receipt to the debtors.

4. He shall pay, either with the sums appertaining to the inheritance or else with the proceeds of the sale of the property, both movable and real, all the charges and debts of the inheritance, and complying with any legacies with which it may be encumbered, in accordance with the will.

5. Should the Consular Officer, under the plea that the amount of the inheritance is insufficient, refuse to pay the whole or part of any credits duly vouched for, the creditors shall have the right—should they deem it expedient to their interests—to petition the proper authority to compete for the right of preference.

After this declaration shall have been obtained, in accordance with the legislation of either of the two countries, and by the means provided therein, the Consular Officer shall immediately forward, either to the judicial authority or else to the syndics of the bankrupt estate, as the case may be, all the documents, effects, and money forming part of the inheritance, either by will or *ab intestato*; and to the said officer will be intrusted the duty of representing the heirs who may be absent, the minors, or those incapable of acting.

XXIV. Should any heirs of a different nationality from that of the deceased supervene, this fact shall not cause the recovery and administration of the inheritance to cease, with reference to the cases mentioned in Article XVI, unless the said heirs should appear and exhibit a judgment confirmed by the Courts of Justice qualifying them as such; and provided the respective Consular Officer should have been consulted in the course of the judicial proceedings instituted for the purpose.

XXV. Should the death occur at a place where there is no Consular Officer, the local authority shall immediately acquaint the Government therewith through the Civil Governor of the District or President of the Province, reporting all the data that may have been obtained upon the case and the circumstances attending it; and he shall proceed to affix the seals, to take a list of the property, and to carry out the subsequent acts relative to the administration of the inheritance.

The Civil Governor or President shall also in the same manner, and without delay, report the fact to the proper Consular Officer, who can appear on the spot or else appoint some one under his responsibility to act in his stead, and either he or his representative shall receive the inheritance, and continue the liquidation thereof, if not already concluded.

XXVI. Should the deceased have been a partner in any commercial firm, the rules laid down in the commercial laws of the respective countries shall be adhered to.

§ 1. If, at the time of death, the property, or part of the property, constituting the inheritance, of which the administration and liquidation are regulated by this Convention, should happen to be subject to embargo, hypothec, or sequestration, the Consular Officer shall not take possession of the said property until after the withdrawal of the said embargo, hypothec, or sequestration.

§ 2. Should any embargo, hypothec, or sequestration of any property constituting an inheritance supervene pending the liquidation thereof, the Consular Officer shall be the depositary of the said property under hypothec, embargo, or sequestration.

The Consular Officer shall always have the right of being heard, and of watching over the observance of the formalities required by the laws; and he may, in any case, apply to the Judge for anything on behalf of the inheritance; and either from the Commercial Court or from that where the question of hypothec is to be tried—in case the latter should have been carried into effect—he shall receive the net part or the remainder of the same inheritance.

XXVII. After the inheritance shall have been duly liquidated, the Consular Officer shall draw up from the respective documents a schedule of the whole property to be divided, and forward the same to the proper local authority, accompanied by a document showing the proceedings in the course of the administration and liquidation of the inheritance.

§ 1. These two documents may, at the request of the local authority, be compared with the originals, which shall be placed at their disposal for the purpose in the Consular archives.

§ 2. The local authority shall annex the said schedule and document relative to the administration and liquidation to the authentic copies of the records of the affixing and breaking of the seals and list of the property; and shall make the division thereof, apportioning the shares and specifying the amounts to be refunded, should there be any.

§ 3. In no case shall the Consuls be the judges in any questions relating to the rights of the heirs, and to the adjudication of the portions of the inheritance called "Legítima" and "Terça;" these questions must be submitted to the proper Courts of Justice.

§ 4. The local authority, after the judgment sanctioning the division of the property shall have been given, shall forward to the Consular Officer a copy thereof and of the computation relating thereto.

XXVIII. Should any subject of either of the two High Contracting Parties die within the territory of the other, the right of succession, as far as regards the precedence of the heirs and the division of the inheritance, shall be regulated in accordance with the law of the country to which he belongs, irrespective of the nature of the property; nevertheless, all the special enactments of the local law with respect to real property must be complied with,

Should it happen, however, that any subject of either of the High Contracting Parties should have to compete in his own country with any foreign heirs, he shall have the right of preference, in order that his share of the inheritance may be regulated in accordance with the law of his own country.

XXIX. The Consular Officer shall not remit or deliver the inheritance to the lawful heirs or to their attorneys until all the debts which the deceased may have contracted in the country shall have been paid, or else until the expiration of the period of one year from the date of the decease, without any claim having been brought forward against the inheritance.

XXX. Before any distribution of the proceeds of the inheritance is made to the heirs, payment must be made of the fiscal dues of the country where the inheritance takes place.

These dues shall be the same as are now paid, or may hereafter be paid, by the subjects of the country in analogous cases.

The Consular Officer shall declare beforehand to the fiscal authorities the names of the several heirs and of the degree of relationship; and, on payment of the dues, the same authorities shall transfer the dominion and possession of the inheritance to the respective heirs, in accordance with that declaration.

XXXI. Any expenditure which the Consular Officer may be compelled to incur on behalf of the inheritance, or of any part thereof, which may not be under his custody and administration, in accordance with this Convention, shall be refunded by the proper local authority and paid as expenses of guardianship or curatorship out of the total amount of the inheritance.

XXXII. Should the inheritance of a subject of either of the High Contracting Parties who may have died within the territory of the other become vacant, that is, should there not be either any surviving widower or widow or any heir in any of the degrees of succession, it shall be delivered up to the Public Treasury of the country where such death may have occurred.

Three advertisements shall be published consecutively, by order

of the local Judge, every three months, in the newspapers of the place where the right of succession shall be pending, and in those of the capital of the country. These advertisements shall state the name and surname of the deceased, the place and date of his birth (if known), his profession, and the date and place of his death.

Similar advertisements shall be published by order of the same Judge in the newspapers of the place where the author of the inheritance was born, and in those of the nearest city.

After the lapse of two years, reckoning from the date of death, should no surviving widower, or widow, or heir, have appeared either in person or by his attorney, the local Judge will pronounce judgment, which is to be notified to the Consular Officer, ordering the delivery of the inheritance to the State.

The Public Treasury shall then take possession of the said inheritance, under condition of rendering an account to any heirs that may appear within the periods within which native subjects under similar circumstances may petition for and obtain possession of any inheritances.

**XXXIII.** The Consuls-General, Consuls, Vice-Consuls and Consular Agents may delegate the whole or part of the functions conferred upon them, in virtue of this Convention; and the Agents or Delegates appointed by them, under their own responsibility, to act in their stead, shall proceed in the matter within the limits of the powers conferred upon them, but they shall not enjoy any of the privileges accorded in Article IV.

**XXXIV.** The local authorities shall confine their action to render to the Consular Officers all the necessary assistance they may require from them for the carrying out in full of the provisions of this Convention, and anything that shall be done in contravention thereof shall be null and void.

**XXXV.** The Consuls-General, Consuls, their Chancellors and Vice-Consuls, as well as the Consular Agents, shall enjoy in the two countries, and under the condition of reciprocity, all and any other functions, prerogatives, and immunities that may have already been accorded, or may be so hereafter, to the Agents of the same rank of the most favoured nation.

**XXXVI.** This Convention shall be approved and ratified by the two High Contracting Parties, and the ratifications shall be exchanged in Lisbon, within as short a period as possible.

It shall last for five years from the date of the exchange of ratifications; nevertheless if, twelve months before the expiration of the period of five years, neither of the High Contracting Parties shall notify to the other its intention to cause the same to cease, this Convention shall continue in force until either of the High Contracting Parties shall make the requisite notification, so that the

Convention will only expire one year after the day on which either of the High Contracting Parties shall have denounced it.

In witness whereof the Plenipotentiaries of His Majesty the King of Portugal and of the Algarves, and of His Majesty the Emperor of Brazil, have signed this Convention in duplicate, and have stamped it with the seals of their arms.

Done at Rio de Janeiro on the 25th day of February, of the year of Our Lord Jesus Christ 1876.

(L.S.) MATHIAS DE CARVALHO E VASCONCELLOS.

(L.S.) BARON DE COTEGIPE.

*CONSTITUTION of the Spanish Monarchy.—Madrid, June 30, 1876.*

(Translation.)

DON ALFONSO XII, by the grace of God Constitutional King of Spain, to all those to whom these presents may come, know ye: That in union and agreement with the Cortes of the Kingdom now assembled, we have decreed and sanctioned the following—

CONSTITUTION OF THE SPANISH MONARCHY.

FIRST DIVISION.—*Of Spaniards and their Rights.*

1. The following are Spaniards:

(1.) Persons born in Spanish territory.

(2.) Children of a Spanish father or mother, although born out of Spain.

(3.) Foreigners who may have obtained letters of naturalization.

(4.) Those who, without such letters, may have gained denization in any town of the kingdom.

The quality of a Spaniard is lost by acquiring naturalization in a foreign country, and by accepting employment from another Government without permission of the King.

2. Foreigners may freely establish themselves in Spanish territory, may exercise their industry in that territory, or may devote themselves to any profession for the exercise of which the Laws may not demand certificates of fitness issued by the Spanish authorities.

Those who are not naturalized cannot hold in Spain any post conferring authority or jurisdiction.

3. Every Spaniard is under the obligation of defending the country with arms in his hands, when called upon by the law, and of contributing, in proportion to his wealth, to the payment of the expenses of the State, the Province, and the Municipality.

No one is obliged to pay a tax not voted by the Cortes, or by the Corporations legally authorized to impose the same.

4. No Spaniard or foreigner can be detained, except in the cases and in the manner prescribed by the Laws.

Every person detained shall be set at liberty, or handed over to the judicial authorities, within the 24 hours following the act of detention.

Every detention shall be annulled or converted into imprisonment within 72 hours of the delivery of the detained person to the competent Judge.

The order which may be given shall be notified to the interested person within the same space of time.

5. No Spaniard can be imprisoned, except by virtue of an order from a competent Judge.

The document containing the order shall be ratified or annulled, after hearing what the presumed delinquent has to say, within the 72 hours following the act of imprisonment.

Every person detained or imprisoned without the legal formalities or in a case not provided for by the Constitution and the Laws, shall be set at liberty at his own request, or at the request of any Spaniard. The law will determine the form of proceeding summarily in such a case.

6. No one can enter the domicile of a Spaniard, or foreigner resident in Spain, without his consent, except in the cases and manner expressly provided for by the Laws.

The searching of papers and effects shall always be performed in the presence of the interested party or of a member of his family, and in default thereof in the presence of two witnesses domiciled in the same town.

7. The correspondence intrusted to the post cannot be detained or opened by the Administrative Authorities.

8. Every order of imprisonment, of search of domicile, or of detention of correspondence shall contain a statement of the cause of its issue.

9. No Spaniard can be compelled to change his domicile or residence, except by virtue of a mandate of a competent authority, and in the cases provided for by the Laws.

10. The penalty of confiscation of property shall never be imposed, and no one can be deprived of his property, except by a competent authority, and on account of proved public utility, and always after due indemnification.

If this requirement be not previously fulfilled, the Judges shall protect the expropriated person, and shall, if necessary, place him again in possession.

11. The Roman Catholic Apostolic religion is the religion of



the State. The nation undertakes to maintain the worship and its ministers.

No one shall be molested in Spanish territory for his religious opinions, nor for the exercise of his respective form of worship, saving the respect due to Christian morality.

No other public ceremonies or manifestations but those of the religion of the State will, however, be permitted.

12. Every person is free to choose his own profession, and to learn it as he may think best.

Every Spaniard may found and sustain establishments of instruction or education, in conformity with the Laws.

It belongs to the State to issue professional diplomas, and to settle as to the qualifications of those who may wish to obtain them and the manner in which they are to prove their fitness.

A special Law will determine the duties of the professors, and the rules to which the teaching is to be subjected in the establishments of public instruction paid for by the State, the Provinces, or the Municipalities.

13. Every Spaniard has a right—

Freely to give vent to his ideas and opinions, verbally or in writing, by means of the press or other similar process, without subjection to previous censorship ;

To hold peaceful meetings ;

To become a member of associations for promoting the objects of human life ;

To address petitions, individually or collectively, to the King, to the Cortes, and to the authorities.

The right of petition cannot be exercised by any kind of armed force.

Neither can it be individually exercised by persons forming part of an armed force, except in conformity with the laws of their corps, so far as it may have reference to the latter.

14. The Laws will give the proper rules for securing the Spaniards in the mutual respect for the rights which this division recognizes as belonging to them, without detriment to the rights of the nation, nor to the essential attributes of public authority.

The Laws shall also fix the civil and penal responsibility to accrue, according to cases, to Judges, authorities, and functionaries of all kinds who may attempt to violate the rights enumerated in this division.

15. All Spaniards are eligible for public employment and posts, according to their merit and capabilities.

16. No Spaniard can be tried or sentenced, except by the competent Judge or Court, by virtue of Laws passed prior to the offence, and in the manner prescribed by those Laws.

17. The guarantees mentioned in Articles 4, 5, 6, and 9, and in paragraphs 1, 2, and 3 of Article 13, cannot be suspended throughout the Kingdom, nor in a portion thereof, except temporarily, and by means of a Law, when the security of the State may demand it in extraordinary circumstances.

Only when the Cortes are not assembled, and the case is grave and clearly urgent, shall the Government be able, taking the responsibility, to order the suspension of guarantees treated of in the foregoing paragraph, submitting their decision to the approval of the Cortes as soon as possible.

But in no case shall there be a suspension of more guarantees than those mentioned in the first paragraph of this Article.

Nor shall the military or civil authorities have power to establish any other penalty than that previously prescribed by the law.

#### DIVISION 2.—*Of the Cortes.*

18. The power of making the Laws belongs to the Cortes with the King.

19. The Cortes are composed of two co-legislative bodies, equal in powers: The Senate and the Congress of Deputies.

#### DIVISION 3.—*Of the Senate.*

20. The Senate is composed—

(1.) Of Senators in their own right.

(2.) Of Life-Senators named by the Crown.

(3.) Of Senators elected by the Corporations of the State, and by the largest taxpayers, in the manner which the law may fix.

The number of Senators in their own right and Life-Senators shall not exceed 180.

This shall also be the number of the elective Senators.

21. The following are Senators in their own right:

The sons of the King and of the next heir to the throne, if they be of full age;

Grandees of Spain in their own right, who are not subjects of another Power, and can show that they have a yearly income of 60,000 pesetas proceeding from real property of their own, or from rights legally considered as equivalent to such real property;

Captains-General of the Army and the Admirals of the Navy;

The Patriarch of the Indies and the Archbishops;

The Presidents of the Council of State, Supreme Tribunal, Audit Department, and Supreme Councils of War, and of the Navy, after two years of service.

22. Only the Spaniards who belong, or may have belonged, to one of the following classes can be Senators by the King's

nomination or by election by the Corporations of the State and by the largest taxpayers :—

- (1.) President of the Senate or of the Congress of Deputies.
  - (2.) Deputies who have belonged to three different Congresses or have sat through eight Sessions.
  - (3.) Ministers of the Crown.
  - (4.) Bishops.
  - (5.) Grandees of Spain.
  - (6.) Lieutenant-Generals in the Army and Vice-Admirals in the Navy, after they have been appointed two years.
  - (7.) Ambassadors, after two years of active service, and Ministers Plenipotentiary after four years.
  - (8.) Councillors of State, the "Fiscal" of that Council, the "Ministros" and "Fiscales" of the Supreme Tribunal and of the Audit Department, Members of the Supreme Council of War and of the Navy, and the Senior Member of the Tribunal of the Military Orders, after exercising their office for two years.
  - (9.) Presidents or Directors of the Royal Spanish Academy, of the Academies of History, of Fine Arts (San Fernando), of Exact, Physical, and Natural Sciences, of Moral and Political Sciences, and of Medicine.
  - (10.) Members, not honorary, of the aforesaid Academies, who may form part of the first half of their respective lists of seniority; First Class Inspectors-General of the Corps of Engineers of Roads, Mines, and Forests; First Class Professors of Universities, if they have held that rank and performed the duties thereof for four years.
- The persons included in the above categories must, besides, have 7,500 pesetas of income proceeding from property of their own or from salaries of posts which can only be lost by reason of culpability legally proved, or from retiring pension, or from allowance on account of temporary cessation of services.
- (11.) Persons having for two years previous possessed an annual income of 20,000 pesetas, or paid 4,000 pesetas for direct contributions to the Public Treasury, if they possess, besides, titles of nobility, have been members of Cortes or of Provincial Deputations, or Alcaldes in capitals of Provinces or in towns of more than 20,000 inhabitants.
  - (12.) Persons who may at any time have been Senators before the promulgation of this Constitution. Those who, in order to become Senators, may at any time have proved the possession of income may prove it, that it may be computed to them on becoming Senators in their own right by a certificate from the Office of the Registrar of Property proving that they continue to possess the same property.

The nomination of Senators by the King shall be made by special

Decrees which shall always set forth the foundation upon which, in conformity with the dispositions of this Article, the nomination is based.

23. The necessary circumstances for being named or elected a Senator may be changed by a Law.

24. Half of the elected Senators shall be replaced every five years, and they shall all be replaced when the King dissolves that part of the Senate.

25. Senators cannot, while the Cortes are open, accept posts, promotion (except promotion governed by strict seniority), titles, nor decorations.

However, the Government may employ them, within the sphere of their respective posts or ranks, on such commissions as the public service may require.

The post of Minister of the Crown is excepted from the rule laid down in the first paragraph of this Article.

26. For taking seat in the Senate it is necessary for a man to be a Spaniard, to have completed the age of 35 years, not to be subjected to criminal proceedings, nor deprived of the exercise of his political rights, and to be free as to the management of his property.

#### *DIVISION 4.—Of the Congress of Deputies.*

27. The Congress of Deputies shall be composed of those who may be named by the electoral Juntas in the manner which the law may fix. At least one Deputy shall be named for every 50,000 inhabitants.

28. The Deputies shall be elected, and may be continuously re-elected according to the method which the law may fix.

29. To be elected a Deputy it is necessary to be a Spaniard, a layman, of full age, and in the enjoyment of all civil rights. The law will settle as to the kind of functions incompatible with those of a Deputy and as to the cases of re-election.

30. The Deputies shall be elected for five years.

31. Deputies upon whom the Government or the Royal Household shall confer a pension, office, promotion (except promotion governed by strict seniority), commission with remuneration, honours, or decorations, shall be relieved of their functions without any declaration being necessary, if, within 15 days immediately after their nomination, they do not inform the Congress of their refusal of the favour.

The provisions of the previous paragraph do not include the Deputies who may be named Ministers of the Crown.

#### *DIVISION 5.—On the Assembling and Powers of the Cortes.*

32. The Cortes will meet every year. It belongs to the King

to convoke them, to suspend and close their sessions, and to dissolve, simultaneously or separately, the elective section of the Senate and the Congress of Deputies; in the latter case he is obliged to convoke and assemble the dissolved body or bodies within three months.

33. The Cortes shall be convoked as soon as the Crown is vacant, or when the King shall be in any way incapacitated from Government.

34. Each of the co-legislative bodies will draw up its own regulations for its internal government, and will examine both the qualifications of its members and the legality of their election.

35. The Congress of Deputies will name its President, Vice-Presidents, and Secretaries.

36. The King names for each Legislature, from among the Senators themselves, the President and Vice-Presidents of the Senate, which last elects its Secretaries.

37. The King opens and closes the Cortes in person, or by means of his Ministers.

38. One of the two co-legislative bodies cannot be assembled without the other, except in the case when the Senate exercises judicial functions.

39. The co-legislative bodies cannot deliberate together, nor in the presence of the King.

40. The sessions of the Senate and Congress shall be public, and a secret session can only be held in cases when privacy is necessary.

41. The King and each one of the co-legislative bodies possesses the right of initiating Laws.

42. The Laws relating to contributions and to the public credit will be presented, in the first instance, to the Congress of Deputies.

43. The resolutions in each of the co-legislative bodies will be adopted by a majority of votes; but in order to vote the Laws the presence of one more than half the number of members that compose the body is required.

44. If one of the co-legislative bodies should throw out any Project of Law, or should the King refuse it his sanction, no other Project of Law upon the same subject can be again proposed in that session.

45. In addition to the legislative power which the Cortes, in conjunction with the King, exercises, it possesses the following privileges:—1. To receive from the King, from the next successor to the throne, and from the Regency or Regent of the Kingdom, the oath to keep the Constitution and the Laws; 2. To elect the Regent or the Regency of the Kingdom, and to appoint a tutor for a minor

King when the Constitution advises it; 3. To make the responsibility of the Ministers effective, and they shall be impeached by the Congress and judged by the Senate.

46. Senators and Deputies are inviolate as far as concerns their opinions and their votes in the discharge of their functions.

47. Judicial proceedings cannot be taken against Senators, nor can they be arrested without the previous determination of the Senate, unless they have been found in *flagranti delicto*, or when the Senate is not assembled; but in any case a report shall be made to that body as soon as possible, in order that it may determine what is proper. Neither can judicial proceedings be taken against Deputies, nor can they be arrested during the session without the permission of Congress, unless they have been found in *flagranti delicto*; but in this event, or in the event of their being proceeded against or arrested whilst the Cortes are closed, a report shall be furnished as soon as possible for its information and for its decision. The Supreme Tribunal will take cognizance of criminal proceedings against Senators and Deputies in cases and in the form decided by law.

#### DIVISION 6.—*Of the King and his Ministers.*

48. The person of the King is sacred and inviolable.

49. The Ministers are responsible. No Decree of the King can be carried into effect without being countersigned by a Minister, who by this act alone becomes responsible.

50. The power of causing the Laws to be executed is vested in the King, and his power extends to everything that conduces to the preservation of public order in the interior and the security of the State abroad, in conformity with the Constitution and the Laws.

51. The King sanctions and promulgates the Laws.

52. He has supreme command of the army and fleet, and disposes of the forces by sea and by land.

53. He bestows rank, promotions, and military rewards, in accordance with the Laws.

54. There appertains besides to the King the right—1st. To issue the decrees, regulations, and instructions which may be conducive to the execution of the Laws. 2. To see that in the whole of the kingdom justice is fully and promptly administered. 3. To grant pardon to criminals in accordance with the Laws. 4. To declare war and to make and ratify peace, furnishing afterwards a written report to the Cortes. 5. To conduct diplomatic and commercial relations with the other Powers. 6. To take charge of the coinage of money, on which will be stamped his head and name. 7. To decree the distribution of the funds destined for each branch of the Administration in accordance with the Law of the Budget. 8. To confer civil employments

and to grant honours and distinctions of every class, in accordance with the Laws. 9. To name and dismiss freely the Ministers.

55. The King must be authorized by a special Law—1. To alienate, cede, or exchange any part of Spanish territory. 2. To incorporate any other territory to Spanish territory. 3. To admit foreign troops into the kingdom. 4. To ratify Treaties of Alliance, offensive and defensive, those which specially relate to commerce, those which stipulate for the granting of subsidies to any foreign Power, and all those which may be binding individually on Spaniards. In no case can secret Articles of a Treaty annul public ones. 5. To abdicate the throne to the next heir.

56. The King before contracting marriage will inform the Cortes, to whose approbation will be submitted the matrimonial contracts and stipulations, which will form the subject of a Law.

The same formalities will be observed with regard to the next heir to the throne.

Neither the King nor the next heir to the throne can marry any person excluded by the Law from the succession to the Crown.

57. The revenue of the King and of his family will be fixed by the Cortes at the beginning of each reign.

58. The Ministers can be Senators or Deputies, and take part in the discussions of both the Legislative Bodies, but they will only have the right to vote in the one to which they belong.

#### DIVISION 7.—*Of the Succession to the Crown.*

59. The legitimate King of Spain is Don Alfonso of Bourbon.

60. The succession to the throne of Spain will follow the regular order of primogeniture and right of succession in the person of another, the elder branch being always preferred to the younger ones; in the same branch the nearest degree of kindred to the more remote; in the same degree of kindred the male to the female, and in the same sex the older to the younger person.

61. The lines of the legitimate descendants of Don Alfonso XII of Bourbon being extinguished, his sisters will succeed in the order that is established; then his aunt, sister of his mother and her legitimate descendants, and those of his uncles, brothers of Don Fernando VII, if they have not been excluded.

62. If all the branches named shall be extinguished, the Cortes will make new calls to the throne as it most suits the nation.

63. Any doubt as to fact or right which may arise in the order of the succession to the Crown shall be settled by a Law.

64. Those who may be incapable of governing or may have committed some act for which they may deserve to lose their right to the Crown, shall be excluded from the succession by a Law.

65. When a woman reigns the Prince Consort will take no share whatever in the government of the Kingdom.

*DIVISION 8.—Of the Minority of the King or of the Regency.*

66. The King is a minor till he has attained the age of 16 years.

67. When the King is a minor the father or the mother of the King, or in their default the relation nearest to the succession to the Crown, in accordance with the order established in the Constitution, will at once enter upon the duties of the Regency, and will exercise them during the whole minority of the King.

68. In order that the nearest relation may exercise the Regency he must be a Spaniard, have completed 20 years of age, and not be excluded from succession to the throne. The father or mother of the King can only exercise the Regency whilst remaining in a state of viduity.

69. The Regent will take, before the Cortes, the oath of fidelity to the King minor, and that of preserving the Constitution and the Laws.

If the Cortes are not assembled, the Regent will immediately convene them, and in the meanwhile will take the same oath before the Council of Ministers, promising to renew it before the Cortes as soon as they may be assembled.

70. If there exist no person to whom the Regency falls by right, the Cortes will name a Regency, which will consist of one, three, or five persons.

Until this nomination shall have been made the Council of Ministers will provisionally govern the Kingdom.

71. When the King shall be incapacitated from exercising his authority, and his incapacity shall have been recognized by the Cortes, the eldest son (provided he be 16 years of age) of the King will exercise the Regency whilst the incapacity of the King continues; in his default the Consort of the King, and in her default those summoned to the Regency.

72. The Regent, or the Regency in the event of there being one, will exercise all the authority of the King, in whose name will be published the acts of the Government.

73. The tutor of the King minor shall be the person named in his testament by the deceased monarch, provided that he be a Spaniard by birth; if one shall not have been named, the father or mother shall be tutor, provided they remain in a state of viduity. In their default the Cortes will name one; but the duties of Regent and of tutor to the King cannot be united in the same person, except in that of the father or mother of the monarch.



*DIVISION 9.—Of the Administration of Justice.*

74. Justice will be administered in the name of the King.

75. One and the same Codes will be enforced throughout the whole Monarchy, without prejudice, however, to variations which the Law may determine upon for particular circumstances.

In these Codes there will be established only one Law for all Spaniards in the ordinary Courts, civil and criminal.

76. The power of applying the Laws in the Civil and Criminal Courts belongs exclusively to the Tribunals and Courts of Justice, without their being able to exercise other functions than that of judging and of enforcing the judgment.

77. A special law will determine the cases in which a previous authorization may have to be exacted to proceed, before the ordinary tribunals, against the authorities and their agents.

78. The Law will decide the Tribunals and Courts of Justice which it may be necessary to have, the organization of each one, its powers, the manner of exercising them, and the qualifications which its members must possess.

79. Judgments in criminal matters will be published in the form decided upon by the Laws.

80. Magistrates and Judges will be irremovable, and cannot be deposed, suspended, or transferred, except in the cases and in the form prescribed by the Organic Law of the tribunals.

81. The Judges are personally responsible for any infraction of law they may commit.

*DIVISION 10.—Of the Provincial Deputations and of the Corporations.*

82. In each Province there will be a Provincial Deputation (Diputacion Provincial) elected in the form determined upon by the law, and composed of the number of members named by the latter.

83. In the towns there will be Mayors and Corporations (Alcaldes y Ayuntamientos). The Corporations will be named by the inhabitants intrusted by the law with this privilege.

84. The organization and attributions of the Provincial Deputations and the Corporations will be governed by their respective Laws.

These will be arranged on the following principles:—

(1.) The government and direction of the local interests of the Province or of the town by their respective Corporations.

(2.) Publication of the taxes, accounts, and approved statements of the same.

(3.) Intervention of the King and, when it belongs to them, of the Cortes, to prevent the Provincial Deputations and the Corporations from exceeding their attributions to the injury of general and established interests.

(4.) Decision of their privileges in the matter of imports, in order that provincial and municipal taxation may never be found opposed to the tributary system of the State.

#### DIVISION 11.—*Of Contributions.*

85. Every year the Government will present to the Cortes the general Budget of the expenditure of the State for the following year, and the arrangement for contributions and means for supplying it, as well as the accounts of the collection of taxes and the application of the public funds, for examination and approval.

If they cannot be voted before the first day of the following financial year, those of the previous one will remain in force, provided always that they have been discussed and voted by the Cortes and sanctioned by the King.

86. The Government must be authorized by a Law to dispose of the property of the State and to borrow money on the credit of the nation.

87. The public debt is under the special protection of the nation.

#### DIVISION 12.—*Of the Military Forces.*

88. The Cortes will fix every year, on the proposal of the King, the permanent military forces by sea and land.

#### DIVISION 13.—*Of the Government of the Colonies.*

89. The Colonies will be governed by special Laws, but the Government is authorized to apply to them with the modifications it may judge proper, and, after giving an account to the Cortes, the Laws promulgated or which may be promulgated for the Peninsula.

Cuba and Puerto Rico will be represented in the Cortes of the Kingdom in the manner determined upon by a special Law, which may be different for each one of the two provinces.

#### *Transitory Article.*

The Government will determine when and in what form will be elected the Representatives of the Cortes of the Island of Cuba.

Wherefore we command all our subjects, of every class and condition, to keep and preserve the present Constitution as the fundamental Law of the Monarchy.

And we command all Tribunals, Courts of Justice, Chiefs, Governors, and other authorities, civil, military, and ecclesiastical,

to keep and cause to be kept, fulfil, and execute the said Constitution in all its parts.

Given at the Palace, June 30, 1876.

I, THE KING.

ANTONIO CANOVAS DEL CASTILLO, *President of the Council of Ministers, Acting Minister of Finance.*

FERNANDO CALDERON Y COLLANTES, *Minister of State.*

CRISTOBAL MARTIN DE HERREBA, *Minister of Grace and Justice.*

FRANCISCO DE CEBALLOS Y VARGAS, *Minister of War.*

JUAN DE ANTEQUERA, *Minister of Marine.*

FRANCISCO ROMERO Y ROBLEDO, *Minister of Home Department.*

FRANCISCO QUEIPO DE LLANO, *Minister of Forests.*

ADELARDO LOPEZ DE AYALA, *Minister of the Colonies.*

*CORRESPONDENCE between Great Britain and Uruguay, respecting the Murder of Captain Cornwall, of the ship Bobycito, at Fray Bentos, Monte Video, and the Conduct of the Authorities in reference thereto.—1870, 1871.*

*Consul Munro to Earl Granville.—(Received September 12.)*

(Extract.)

*Monte Video, August 10, 1870.*

It is my duty to give your Lordship information of a very atrocious case of mutiny and murder that has occurred at the port of Fray Bentos, in this Republic, the victim being Mr. William Cornwall, master of the barque *Bobycito*, of Liverpool, and the mutineers and assassins being four English seamen of his own crew.

This vessel was loading a cargo at the wharf of Liebig's Extractum Carnis Company, on the afternoon of the 24th July last, shortly after the master and his wife, a young creature of 17, had come on board. When taking tea in the cabin, a noise was heard on deck, and on Mr. Cornwall asking the cause of the disturbance, he was assailed with a torrent of the foulest abuse of himself and his wife, the terms being too disgusting to repeat; and upon the master asking the men why they used such abominable language in the presence of his wife, a threatening advance was made upon him, when Mr. Cornwall, who had armed himself, declared that he would shoot the first man that attempted to enter his cabin. On this a rush was made at the master, and an Englishman, named Thomas Jones, plunged his knife into the master's body, just below the heart, and the unfortunate man expired shortly afterwards. Mr. Cornwall had fired his revolver and slightly wounded one of the mutineers.

A watch was kept upon these ruffians that night by the master of another British ship and his men, and the following day they were handed over to the police, from whom Thomas Jones, the murderer, managed to effect his escape the same night, and has not since been heard of.

From the evidence given by the mate, the carpenter, and the steward of the *Bobycto*, whose statements form the principal testimony in the case, the other three men still in custody at Fray Bentos were almost equally culpable with Thomas Jones, who inflicted the stab; one of them especially, by name Thomas Trainer, having been throughout the foremost and worst in threats and disgusting expressions.

These three men are still in prison at Fray Bentos, but are expected here daily.

Poor Mr. Cornwall was a quiet, kindly-disposed man, of unexceptionable character, and had only been guilty of refusing to give these men more money to get liquor with.

As the evidence for the conviction of this mutiny and attack on Mr. Cornwall is perfectly clear against Thomas Trainer, Stephen Frost, and Morris Guard, seamen of the ship, I have called on Colonel Bustamante, the Minister of the Interior, offering, if he would raise no objection, to take these three men on board Her Majesty's ship *Beacon*, in order to send them to England for trial; but as the crime was perpetrated within the Republic, his Excellency, though I believe really himself desirous of having these cowardly miscreants punished, declined to assume the responsibility of this act in the face of the malignity with which all his proceedings are assailed by the Opposition press, and these men will be tried by the common law of the country, so that I fear they will be lodged in gaol for an indefinite period, as the prisoners confined under accusation of murder have all of them been from two to three years, or even more, in prison, without judgment having been passed upon them.

As I could advance no positive right to demand that these murderers should be given into British custody, I have abstained from any official writing or action, requesting Colonel Bustamante to consider my visit as unofficial.

*Earl Granville.*

J. ST. JOHN MUNRO.

*Consul Munro to Earl Granville.—(Received September 23.)*

(Extract.)

*Monte Video, August 25, 1870.*

REFERRING to my despatch of the 10th instant, I have the honour further to inform your Lordship that, upon making a second visit to his Excellency Colonel Bustamante, the Minister of the Interior, upon the matter of the three Englishmen arrested for the

murder of Mr. Cornwall, his Excellency, who a day or two subsequent resigned office, stated to me that the question was of so delicate a nature that he did not like to assume any responsibility in it himself, and referred me to the Minister for Foreign Affairs.

As I knew Dr. Rodriguez was also about to retire from office, I did not call upon the latter; but on the 19th instant I called upon the President of the Republic, General Battle, who had recently re-occupied that position, from which his Excellency had been absent in the temporary command of the military force in the Campaña.

On the occasion of this visit, his Excellency the President said to me that the charge against the English prisoners was of so heinous a character that he was quite willing that these men should be sent to England for trial, if a way could be suggested that would enable him to act to that effect.

I replied to his Excellency that as all the features in the case were intrinsically English,—as the victim was master of an English vessel anchored in the channel of the river, as the accused men were English seamen of that ship, and the witnesses English seamen of the same, under engagement to return with her to England, and who could not be kept for an indefinite period in this country,—I thought his Excellency, as first magistrate of the Republic, without incurring attack or blame, might hand over the affair to the British Government to deal with.

On the following day, Captain Gooch, commanding her Majesty's ship *Beacon*, informed me that within a few days Her Majesty's gunboat *Cracker* might be expected down from Concordia and could receive the prisoners on board at the intermediate port of Paysandú, of which suggestion I informed his Excellency the President of the Republic, through the verbal medium of the Acting Minister for Foreign Affairs, Señor Hordeñana; and the answer that I received from Señor Hordeñana was that his Excellency the President had desired him to tell me that having reflected seriously since our interview upon the point of giving up the prisoners, his Excellency had decided not to do so under any arrangement.

I have considered it my duty, my Lord, to place in your Lordship's knowledge the foregoing details, and I have sent a copy of this despatch to Mr. Macdonell.

When I wrote my despatch to your Lordship of the 10th instant I was under the impression that the *Boycito* was alongside the jetty of the Liebig's Extractum Carnis Company's works when the murder of the master was perpetrated, but this was an error, as the ship was then anchored in the channel of navigation, between this Republic and the Argentine Province of Entre Rios.

Earl Granville.

J. ST. JOHN MUNRO.

*Mr. Odo Russell to Consul Munro.*

SIR,

*Foreign Office, April 4, 1871.*

WITH reference to your despatches dated the 10th and 25th of August last, I am directed by Earl Granville to instruct you to report to his Lordship whether any legal proceedings have hitherto been taken by the Uruguayan authorities against the murderers of Captain Cornwall; and if so, whether any and what result has been arrived at in the matter.

I am, &c.,

*Major J. St. John Munro.*

ODO RUSSELL.

*Consul Munro to Earl Granville.—(Received June 16.)*

(Extract.)

*Monte Video, May 17, 1871.*

IN answer to Mr. Odo Russell's despatch of the 4th April last, requiring a report as to whether, and what, legal proceedings had been instituted by the Uruguayan Government against the murderers of the late Captain Cornwall, I have the honour to state as follows:

On the receipt of Mr. Odo Russell's despatch, I forwarded a copy of it to Her Majesty's Chargé d'Affaires at Buenos Ayres, requesting Mr. Macdonell to give me any information he might have received on the subject, as on the refusal of General Battle to deliver over the men accused and arrested for the murder into my charge, I had sent copies of my correspondence on the case to Her Majesty's Chargé d'Affaires, and had desisted from further action in the matter.

Mr. Macdonell has, I know, some months since, addressed the Uruguayan Government on the subject of these men, but the interruption in the communication with Buenos Ayres has prevented my receiving an answer from Mr. Macdonell, and I am not aware what explanation this Government may have given, or if even they have answered his inquiries.

As, however, I considered it to be necessary that your Lordship should receive an answer to Mr. Odo Russell's inquiry by this mail, on the 12th of this month I called upon his Excellency the Minister for Foreign Affairs, and requested that I might receive a statement of the state of the case of the prosecution against the three men that had been brought down from Fray Bentos, accused of the murder of Captain Cornwall, in July 1870, as I was desired to report the same to your Lordship.

His Excellency the Minister promised me that the Judge of Crime belonging to the division corresponding with the country district should be at once communicated with and questioned upon the matter, and that I should be immediately informed of the nature of his reply. Not receiving any communication from the Foreign Office, I called again on the 15th, and was informed that the

required information had not been received from the Judge of Crime, and on calling again yesterday afternoon, the 16th, at the Foreign Office, Señor Hordeñana, the Chief Clerk, informed me that the Judge had reported that the three prisoners had been brought to the capital, but as it had been necessary for the Court here to have reference made to the authorities at Paysandú, the trial of the men had not yet come off. Señor Hordeñana then imparted to me the information of the fact that these criminals had been permitted to volunteer into the military service of the Republic, and that two of them, namely, Trainer and Guard, had availed themselves of such permission; that one of whom, he did not know which, had been killed at the battle of Sance on the 25th December last; and that the third, namely Frost, was still in prison; and, further, that the man with the force now in the field would, of course, have to be reimprisoned if it were required.

I requested Señor Hordeñana to give me this statement in writing, which he has promised to do, but could not promise to have it for me in time to transmit by this day's mail.

Señor Hordeñana added to his statement that he was certain that the President of the Republic was ignorant of the fact of the men having been allowed to volunteer. I stated to Señor Hordeñana that the President could not by such ignorance avoid the responsibility that fell upon him, but that I should then limit myself to stating that I should report the statement he, Señor Hordeñana, had made to me direct to Her Majesty's Government and to Her Majesty's Diplomatic Agent at Buenos Ayres.

Some weeks past I was called upon by the American Consul on the part of the prisoner Frost, who refused to volunteer, and claimed protection as an American citizen, on which occasion I told the United States' Consul that the man in question was, I regretted to say, an Englishman, and that I should find it necessary to oppose any protection being accorded to him, and the Consul has not pursued the subject.

The history of the case of these men is, my Lord, with the exception of the permission being given them to volunteer, which I did not anticipate, precisely what I urged upon General Battle it would be, if he declined to deliver the prisoners over to my offered responsibility for them.

I shall consider it my duty, waiting instructions from Mr. Macdonell, to lodge a formal protest with his Excellency the Minister for Foreign Affairs against the conduct of the Monte Videan Government with respect to these three men, and to require that the one now said to be with the military force in the field be brought in for trial.

*Earl Granville.* J. ST. JOHN MUNRO.

*Consul Munro to Earl Granville.—(Received July 1.)*

MY LORD,

*Monte Video, May 19, 1871.*

WITH reference to the despatch that I had the honour of transmitting to your Lordship on the 17th instant, I have now the honour to inclose copy of the note that I have this day left with his Excellency the Secretary of State for Foreign Affairs, protesting therein against the conduct of the Government of the Uruguayan Republic, in the case relating to the murderers of the late Captain Cornwall; and, further, requesting that the surviving criminal not in confinement may be replaced in prison.

I have, &amp;c.,

*Earl Granville.*

J. ST. JOHN MUNRO.

*(Inclosure.)—Consul Munro to Dr. Don Manuel Herrera y Obes.*

M. LE MINISTRE,

*Monte Video, May 19, 1871.*

ON the 24th of July last, at the port of Fray Bentos, in this Republic, one of the most unprovoked and atrocious murders on record was perpetrated on the person of the master of the British barque *Bobyeto*, by four seamen of his own crew, who were subsequently, through the energetic action of the master of another English vessel anchored near, secured, and unfortunately committed to the custody of the police authorities at Fray Bentos, by whom, on the first night of his imprisonment, the principal assassin was allowed to escape.

The remaining three men were, after a delay of many weeks, brought to Monte Video.

On the report reaching me of the above-mentioned murder, as every detail in this affair was English, the scene of the crime an English ship, the murderers English, and the evidences English, although the vessel was anchored in Uruguayan water, I requested his Excellency the President of the Republic to permit the men in custody, and about whose complicity in the assassination there was no doubt, to be handed over to my charge, offering to take upon myself the entire responsibility of receiving them, and sending them to England for trial; at the same time representing to his Excellency that, under the unfortunate circumstance of the civil war prevailing in the Republic, and disorganizing the whole machinery of the State, there was no chance of the course of justice with regard to these men being properly carried out in this country. I also offered that one of Her Majesty's gun-boats should take the men on board at Paysandú, where the prisoners then were, and that his Excellency should be no more troubled with them, as I would take upon myself the whole management of the thing, without involving any consequences upon the Monte Videan Government.

His Excellency the President of the Republic declined, for



reasons unnecessary to state, to allow these criminals to be delivered over to me, but promised that they should be tried by the criminal jurisdiction of the country, and that the course of justice should be strictly followed with regard to these men.

I duly reported to Her Majesty's Government, and to Her Majesty's Chargé d'Affaires at Buenos Ayres, the refusal of his Excellency the President of the Republic to permit the delivery of these prisoners into British custody, as also the promise of his Excellency that they should be tried by the laws of their country.

It now becomes my duty, M. le Ministre, to address your Excellency in a very serious manner with regard to this case.

In accordance with instructions received on the 7th of this month from Her Britannic Majesty's Government that I should transmit a report of whether legal proceedings had been taken by the Monte Videan authorities against the murderers of Captain Cornwall, and if so with what result, I applied to your Excellency for enlightenment on this point, and your Excellency referred me to the Judge of Crime of the corresponding section for the required information.

When on the 16th of this month, not having received any communication from your Excellency, I repaired to the Foreign Office, to inquire what might be the answer rendered by the Judge of Crime to the inquiry of your Excellency, knowing as I do the deplorable neglect in the Department of criminal jurisdiction, and the general deficiency in the administration of justice so notoriously prevailing under the Government of General Battle, I was prepared to hear that the prisoners had not yet been tried, but words can hardly express my astonishment when, with the recollection on my mind of General Battle's reason for his refusal of the delivery of the murderers of Captain Cornwall into British custody being that such an action would be considered a lowering of the dignity of the Republic in not vindicating its right to try the men before its own tribunals, and at the same time pledging his word that they should be brought to trial, Señor Hordeñana imparted to me the information that, so much the reverse from these criminals having been proceeded against according to law, two of the accomplices in this savage crime had been permitted to volunteer into the military service of the Republic, one of whom had been reported to have been killed at the battle of Sance on the 25th of December, and the third was stated to be still in prison untried.

Prepared as I repeat I was to hear of this case being another instance of the indifference and neglect characterizing the administration of the criminal law at Monte Video, I certainly was not prepared for the statement of Señor Hordeñana that, in violation of the pledged promise of the first Magistrate of the State, and in undisguised

contempt of the international obligation to bring these men to trial for the murder of a British subject, two of them had been officially permitted to evade their trial, on the condition of their serving the Government in a military capacity.

I should not be fulfilling my duty, M. le Ministre, as an Agent of Her Britannic Majesty's Government if, under these circumstances, I neglected, on the part of Her Majesty's Government, to protest in the most formal manner against the conduct of the Uruguayan Government in the case that I have now related, which protest I hereby note and record, holding the Uruguayan Government responsible for whatever the consequences may be; and I further consider it my duty, M. le Ministre, to request that your Excellency will be pleased, at the time that your Excellency shall bring the fact and matters of this note to the knowledge of his Excellency the President of the Republic, to solicit that his Excellency the President will issue the necessary order that the surviving accomplice in the murder of the late Captain Cornwall, said to be serving in the military service of the Republic, may be, without loss of time, brought to the capital and replaced in confinement, in order that he may be with the other criminal or criminals brought to his trial.

I avail, &c.,

*Dr. Don Manuel Herrera y Obes.*

J. ST. JOHN MUNRO.

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*Earl Granville to Consul Munro.*

SIR,

*Foreign Office, July 7, 1871.*

HER Majesty's Government approve the course you have pursued with respect to the murder of Captain Cornwall, as reported in your despatch of the 17th May; and they also approve the note which you addressed to the Uruguayan Government on this case on the 19th May, of which a copy is inclosed in your despatch of the same date.

I am, &c.,

*Major J. St. John Munro.*

GRANVILLE.

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*MESSAGE of the President of Hayti to the National Assembly  
(Claims of Foreigners for Losses incurred during Civil War,  
&c.).—Port-au-Prince, August 12, 1873.*

MESSIEURS LES SÉNATEURS, MESSIEURS LES REPRÉSENTANTS,

LA 13<sup>e</sup> Législature s'est séparée du Pouvoir Exécutif sans résoudre maintes questions opportunes dont les solutions immédiates réclamaient sa plus vive sollicitude au point de vue de leur caractère exotique. De toutes parts des réclamations pleuvaient sur le Gouvernement par l'intermédiaire d'agents diplomatiques anxieux de

promptes satisfactions, et ce n'est pas sans grandes peines que nous sommes parvenus à faire reconnaître que votre participation était indispensable pour la résolution de telles matières. Nous obtînmes enfin un sursis pour attendre votre réunion, qui, contrariée par des difficultés imprévues, ne se fit pas en son temps. Pour éviter de nouvelles complications, je dus, aux termes de l'Article 76 de la Constitution, vous mander en session extraordinaire.

Les matières en litige seront présentées à votre haute appréciation, et mon Gouvernement profitera de l'occurrence pour vous demander :

1. De voter les impôts annuels.
2. De voter le Budget pour l'exercice 73-74.
3. Des modifications à la loi sur la commune.
4. De réorganiser la police urbaine et rurale.
5. La révision de la Constitution (s'il y a lieu).
6. De remplacer les sénateurs dont le temps va expirer.
7. Et la sanction de différents contrats passés dans le but de promouvoir le bien-être public : voilà les motifs déterminants de mon arrêté du 9 Mai, 1873.

C'est dans cette année que nous avons complété la rentrée des billets de caisse ; à cette importante réforme monétaire se rattachaient de judicieuses appréhensions ; mais, Dieu aidant, nous sommes parvenus à l'accomplir sans commotions. Le peuple, qui a conscience des mesures appropriées à son bien-être, s'est élevé à la hauteur des sacrifices que lui imposait cette situation impérieuse ; il a enduré avec une patience et une résignation dignes d'éloges, tous les mécomptes et les froissements d'intérêts inhérents aux réformes de cette nature : honneur à son patriotisme !

Conformément à la Constitution c'est Janvier 1873 qui était l'époque fixée pour le renouvellement triennal du Corps Législatif : l'esprit public s'est naturellement agité, et chacun de faire prévaloir ses prétentions, son candidat ; néanmoins l'on constate que les élections en général, eu égard aux tumultes qu'elles occasionnent ailleurs, se sont accomplies avec assez de calme. Mais, c'est à la capitale, malheureusement, que la lutte électorale a provoqué des rixes, et a donné lieu à de graves désordres : l'autorité a dû intervenir pour préserver la sécurité publique, car déjà des manifestations subversives s'accroissaient au point d'inquiéter la population : voilà comment la ville du Port-au-Prince a été, pendant un instant, mise en état de siège.

Une collection de séditieux, fauteurs de troubles, persistant dans leur dessein de replonger le pays dans les horreurs de l'anarchie, déjoués ici dans leurs combinaisons, ne se tinrent pas pour battus ; ils se choisirent un autre théâtre—la ville des Gonaïves.

Cette bande de malfaiteurs qui s'était ménagée des affidés dans

la dite ville, partit du Port-au-Prince furtivement, et furtivement alla débarquer aux Gonaïves.

Tandis que la ville était paisiblement endormie, la population fut, au 3 Mars dernier, réveillée en sursaut par une décharge de mousqueterie : c'étaient ces mêmes forcenés qui jetaient l'alarme dans les familles, en se ruant sur le poste de l'arrondissement. Ainsi attaqué à l'improviste, le poste se débanda ; mais, sans tarder, il rejoignit à l'arsenal le Général Mont-Morency Benjamin, militaire brave et fougueux, qui avait réussi à franchir les rangs des rebelles sans être aperçu. À la faveur de la nuit ces insensés commirent toutes sortes de désordres, toutes sortes de déprédations ; et, c'est dans l'asile même du commandant de l'arrondissement qu'ils donnèrent le signal du pillage à main armée.

Spontanément, les citoyens d'élite, la garnison, toute la ville enfin se rallia à l'autorité, et, au jour, la ville était vengée.

Les audacieux en fuite furent poursuivis et traqués de toutes parts.

La répression a été sévère. Il le fallait ainsi, tant pour calmer l'indignation publique que pour refréner cette tendance au brigandage que le système déchu avait pour ainsi dire plus spécialement implantée dans la ville des Gonaïves. Et nous devons cet hommage au Général Mont-Morency Benjamin ; si, pour le rétablissement de l'ordre il a châtié sévèrement, le calme rétabli, c'est encore lui qui a sollicité notre clémence en faveur des coupables tombés en son pouvoir !

Ma tournée dans les arrondissements de Jacmel et de Léogane m'a fourni l'occasion de constater une fois de plus que toutes les aspirations sont à la paix, que toutes les populations sont portées vers le travail. C'est donc à nous qu'il incombe d'employer des mesures sages, propres à rendre fructueuses les dispositions pacifiques dont elles sont animées ; et le plus sûr moyen d'atteindre à ce résultat désirable, c'est notre union, c'est l'harmonie qui doit exister dans les rapports des pouvoirs publics.

Envisageons maintenant les résumés des différents services :—

#### INTÉRIEUR.

Durant la période administrative écoulée à partir du dernier exposé de la situation à ce jour, les branches de service attribuées à ce Département ont été dirigées avec tout le soin qu'il était possible de leur accorder.

Si, à certains égards, quelques éléments de progrès ont fait défaut, tels entr'autres que ceux nécessaires pour l'organisation d'une police vraiment efficace, et d'un système d'exécution régulière des lois, c'est que, d'un côté, l'on s'est trouvé acculé par la difficulté de mettre la main sur des agents sûrs, aptes à cette fonction si délicate

de la police, et, ayant tous à cœur la volonté et l'énergie voulues pour constituer une force publique éclairée, et surtout morale ; et que, d'autre part, notre situation financière ne laisse pas la faculté à l'Exécutif d'avoir ou plutôt d'engager des citoyens de choix par l'appât d'une rémunération suffisante.

C'est ainsi que la même raison de finances continue à entraver, jusqu'ici, la réalisation de quelques projets d'utilité absolue, ainsi que l'exécution de nombreux travaux de restauration. La restriction des crédits inscrits au budget spécial du Département de l'Intérieur est là pour attester de l'impuissance où s'est trouvé le Gouvernement d'entreprendre des améliorations plus notables.

Puis, par la mise en vigueur de la Loi du 21 Juin, 1872, sur les conseils communaux, la haute administration venait d'être affranchie de certaines responsabilités, passant, dès lors, exclusivement à la commune, telles que notre alimentation d'eau, les mesures d'hygiène et de salubrité des villes, l'organisation des pompes à incendie, les précautions de sécurité intérieure, &c.

Aujourd'hui, néanmoins, le Gouvernement a toute autre vue à l'égard du lien qui doit rattacher, désormais, la gestion communale à son bienveillant concours. Le Conseil qui vient d'être élu pour la capitale s'est engagé dans un programme de bonne entente avec l'administration supérieure, qui permettra de corriger les déféctuosités léguées, et servira, en même temps, d'exemple aux Conseils des autres grands centres ; alors, le Département de l'Intérieur ne sera plus passible des accusations non-fondées si souvent portées contre lui par ceux qui n'ont pas idée des bases posées dans la récente loi sur les Conseils Communaux.

#### *Conseils Communaux.*

À propos de cette loi quelques développements deviennent nécessaires pour éclairer le Corps Législatif sur les difficultés d'application qu'elle présente dans l'expérimentation générale qui s'en fait. En effet, on n'a pas tardé à reconnaître l'impossibilité pour la plupart des Conseils de s'administrer. Les petites localités n'ont pas été les seules à ne pas répondre à l'attente des contribuables ; mêmes celles où il se rencontre des citoyens intelligents se sont signalées par des insuccès qui ne laissent nul espoir de maintenir l'institution dans les nouvelles conditions où elle est placée.

Il a été donné de constater des résultats négatifs en toutes choses, d'abord par la mauvaise administration des deniers communaux, et ensuite, par l'imprévoyance, par des combinaisons mal étudiées, par le défaut d'accord de l'autorité communale avec les autres agents publics, par l'usurpation de pouvoirs de la part des magistrats communaux, par la méconnaissance du principe de hiérarchie ; enfin, par une façon de penser que la commune libre s'entend

de commune échappant à tout contrôle, dégagé de toute unité de vues avec l'Exécutif, et, par là, constituant un État dans l'État.

Il est des localités réputées centres principaux où la composition des Conseils est telle, jusqu'ici, que les magistrats en exerçant seuls, par anticipation et à l'exclusion des autres conseillers, toujours sous l'empire des abus ci-dessus énumérés, prennent des voies tout-à-fait irrégulières, illégales, qui appellent la critique sur l'institution communale, mettent tout en désarroi et découragent les classes imposées; d'où leur insistance à ne pas vouloir s'acquitter des impôts auxquels elles sont astreintes, et l'impuissance des magistrats à les y contraindre.

Si, à l'avenir, les élections communales se font avec le discernement de rigueur que doivent y apporter les citoyens bien animés, on pourra conserver à cette catégorie de localités ci-dessus définies celles des attributions auxquelles elles sont propres, sans qu'il soit besoin de recourir, pour ces centres, à une modification très sensible de la loi.

Mais autre chose, lorsqu'il s'agit de considérer le principe des franchises communales, par rapport aux communes des ordres inférieurs. Le Gouvernement consigne ici la déclaration qu'il reçoit sans cesse de la part de leurs Conseils—le vœu de se voir replacées sous l'égide de la haute administration, vu l'incapacité radicale pour elles de s'administrer. Or, sans porter atteinte à la disposition constitutionnelle, il serait sage de remanier la loi qui les régit, afin de mesurer leurs obligations à la faiblesse des voies et moyens dont elles disposent; car, sous peine de non-sens elles ne peuvent pas être comprises dans le même cercle d'action que les communes de classes supérieures.

C'est à dater de la première loi sur la liberté des communes que part leur commencement de dégénération. Puis, les illégalités entraînant après elles un relâchement général, ont fini par constituer la plaie administrative qui fait, de nos jours, de la vue intérieure des cités un objet d'impressions des plus pénibles.

#### AGRICULTURE.

Par suite d'une attention soutenue au sujet des encouragements et de la protection dûs à l'agriculture, cette source de la fortune nationale s'est développée et a atteint, pour certaines cultures, une assez grande étendue de productions. Nous en avons la preuve dans l'abondante récolte de 1872-73, qui, venant à coïncider avec l'élévation, sur les marchés étrangers, des cours des denrées d'exportation, ainsi qu'avec le retrait du papier monnaie, a procuré une augmentation de bien-être inattendu aux producteurs. Mais, à travers cette heureuse circonstance et presque à l'issue des dernières livraisons de café, une sécheresse des plus rigoureuses est venue

s'abattre sur divers points du pays, et a eu pour conséquence naturelle de diminuer considérablement les articles alimentaires du sol, de telle sorte que la cherté du peu de produits recueillis pèse actuellement, d'une manière effroyable, sur les consommateurs.

Pour prévenir les effets d'une disette que laisse pressentir cette sécheresse, qui sévit d'une façon plus rigoureuse encore dans la Province de Jacmel, il a été décidé, en Conseil des Secrétaires d'État, qu'une accumulation de provisions assorties, déjà commandées aux États-Unis, se fera dans cette ville, où des familles engagent, pour subsister, jusqu'à leurs bijoux et titres de propriété en achetant les articles alimentaires Américains à des prix par trop exorbitants. Il ne saurait échapper à personne et encore moins à vous, mandataires du peuple, qu'il se trouve à Jacmel une catégorie de familles, tributaires des rigueurs du dernier siège qu'a subi cette ville, qui sont aujourd'hui réduites à l'impuissance de faire face aux dépenses journalières. Les provisions que l'État y fait aboutir, dans une pensée purement humanitaire, seront revendues équitablement à la population à des prix modérés qui, certes, auront pour effet d'adoucir sa malheureuse situation.

La portion du peuple qui absorbe, y compris la classe des serveurs de l'État, soupire après le moment de voir joindre à la mesure du retrait, celle d'un tarif d'alimentation qui concilie son intérêt avec celui des producteurs. Or, ce moment favorable pourra venir, sans trop de transition ni de contradiction, lorsque les pluies auront refertilisé nos campagnes et y ramené l'abondance des vivres et des grains.

Pour un moment les Départements du Nord et du Nord-Ouest avaient reçu d'abondantes pluies semblables à ces fléaux qui passent rapidement, et une inondation s'en était suivie qui détruisit de nombreux bestiaux, des maisons, des clôtures, des jardins, et jeta le découragement parmi les agriculteurs. Les voies routières eurent à souffrir également de grands endommagements, et le tout, enfin, prit le caractère d'une détresse générale.

À l'occasion de ces événements les autorités ont rempli leurs devoirs, en remontant le moral des habitants, par des exhortations toutes consolantes, et en leur demandant de restaurer les chemins et d'améliorer, sans retard, l'état de leurs champs, afin de parer aux éventualités d'une rareté de subsistances de première nécessité.

Ces gages d'attention, qui sont les accents d'une sollicitude et du zèle administratif inspirés par le Pouvoir Exécutif, n'ont pas tardé à porter leurs fruits.

La police rurale, en son organisation et service, est encore loin du but qu'elle est appelée à atteindre ; en un mot, elle n'est pas ce qu'elle devrait être.

Il est à souhaiter que nous puissions arriver à sa réformation

dans des conditions plus heureuses. Elle aurait dû être, non-seulement plus nombreuse, mais encore composée de citoyens choisis scrupuleusement, recevant des appointements en rapport avec les services qu'ils sont appelés à rendre.

L'importance et la moralité de la mission de cette police le veulent ainsi, lorsque nous considérons, surtout, un commencement, chez nous, d'établissement de voie ferrée parcourant des routes rurales, et une perspective d'exploitation de nos forêts par des ateliers agglomérés.

C'est ici le moment d'entretenir les Représentants de la nation de l'existence de deux contrats entre le Général Brice et le Gouvernement : l'un, lui concédant le droit d'extraire la matière colorante de nos bois de teinture, avec un terrain de l'État pour l'installation des appareils indispensables à son industrie ; l'autre ayant trait à une entreprise de locomotives devant aboutir jusqu'à l'Étang Salé. Le tout passera par la filière des Chambres.

Les commandants de commune, auxquels le code rural fait l'obligation d'une tournée par mois dans leurs circonscriptions respectives, sont tenus pour responsables de l'application des prescriptions du dit code, dans la personne et la conduite des chefs de sections.

Nous constatons souvent que, vu l'incurie de ces derniers et l'indifférence des commandants de commune à contrôler leur service et à leur en remontrer sévèrement lorsqu'ils s'abandonnent à l'oubli de leurs devoirs, nous constatons qu'une route finit par s'abîmer, s'effondrer et perdre, partant, de sa praticabilité, là où il suffirait d'un travail de quelques heures pour circonscrire ou arrêter le mal.

Nous voulons, désormais, que les réparations des routes s'effectuent partiellement, et en temps opportun, et que le commandant d'une commune exige, sous sa responsabilité personnelle, de la part des officiers ruraux, un rapport immédiat sur les dépressions, éboulements ou encombrements quelconques de terrain sur les chemins publics, dès que ces accidents se produisent par des causes ordinaires ou des bouleversements exceptionnels dans la nature.

Cette façon d'entretenir nos voies de circulation, en ne donnant plus lieu à des accumulations de travaux de grande portée, nécessitera une prestation personnelle moins coûteuse, en même temps qu'elle permettra à l'État de pouvoir réaliser une économie assez notable sur la quantité d'outils fournis annuellement pour la branche en question.

Depuis environ deux mois, trois arrondissements ont été pourvus d'outils nécessaires à la restauration des routes publiques, et les autres localités seront également servies, sur ce point, au fur et à mesure des besoins et des demandes. Le St. Marc a reçu des



matériaux pour la construction d'un bac, comme moyen de communication ménagée aux cultivateurs de cette intéressante commune.

L'année dernière le Corps Législatif a admis quatre sections rurales en plus, sur la nécessité bien motivée de subdiviser celles qui, par leur trop grande étendue, gênaient le commandement.

Aujourd'hui encore il y a lieu de demander, pour le même motif, la subdivision en deux sections de celle dite Thomonde.

La nouvelle section qui en sortirait serait consacrée sous le nom de "Tiamuscardie," et ce changement de délimitation rendrait plus faciles et régulières les tournées d'obligation des officiers ruraux.

En répulsion de l'ancienne routine léguée par le système colonial, qui fait que notre agriculture se débat encore dans un cercle accablant et est censuré par tous les peuples progressistes, il a été inscrit au Budget 1873-74 des crédits pour l'achat de certains instruments aratoires, tels que herSES, charrues, pour la création et l'entretien d'écoles purement agricoles où seront enseignés le maniement et l'application des dits instruments. Ainsi, avec une centaine de jeunes gens campagnards possédant les aptitudes à en obtenir, et répartis par quartier ou section, il nous sera donné, dans un avenir quelconque, de rompre avec ce système de travail à force de bras, qui nous fait passer pour un peuple indolent, tandis que l'Haïtien met tout son courage à la préparation et au labour de son sol!

Aisons donc à détruire les obstacles qui, depuis bientôt 60 ans, enraient le développement de notre agriculture.

### *Travaux Publics.*

Autant que les ressources de l'État l'ont permis, des constructions et des réparations d'édifices domaniaux ont été exécutées dans diverses localités.

Les prisons, seul frein que nous avons chez nous à opposer aux vices, quelques wharfs d'où nous arrivent des revenus, quelques établissements religieux, un de nos moyens puissants de moralisation, enfin certains locaux de l'État occupés par des corps officiels et dignes de restauration, ont fait l'objet des premiers regards du Gouvernement.

Les prisons sont :

Celles du Cap Haïtien, du Fort Liberté, du Port Margot, du Borgne, de Terre Neuve, de la Petite Rivière de l'Artibonite, de Miragoâne, de la Petite Rivière de Nippes, entièrement réédifiées.

Celles du Trou, de St. Michel, de St. Marc, de Port-de-Paix, de l'Anse à Veau, du Petit Trou de Nippes, de Jérémie, de Tiburon, de l'Anse d'Hainault, des Côteaux, des Cayes, de Sale Trou, de Marigot et de Bainet, sont en cours de réparation ou sur le point d'être achevées.

Des wharfs déjà reconstruits ou en train de l'être sont :

Ceux du Port-au-Prince, de Jérémie, des Cayes, des Gonaïves, du Cap Haïtien et de Jacmel.

Des communes et quartiers nécessiteux, il en est 13 de subventionnés par l'État pour leurs Églises spécialement, qui sont :

Port Salut, Baradères, Vallière, Jean Rabel, Acul-du-Nord, Borgne, Torbeck, Gros Morne, Mirebalais, Marmelade, Bainet, Anse d'Hainault, et Pignon.

Trente autres ont été également aidés sur le Budget de l'État pour des travaux d'utilité communale, les édifices religieux compris, qui sont :

Pestel, Côteaux, Chardonnières, Petit Trou de Nippes, Grand Goâve, Dame Marie, Abricots, Saltrou, Port Margot, Grande Rivière, St. Michel, Onanaminthe, Fort Liberté, Terrier Rouge, Perche, Vigie du Cap, Dondon, Milot, Croix des Bouquets, Limbé, Plaisance, Des-salines, Côtes-de-Fer, Tiburon, Trou, Cavaillon, Hinche, Môle St. Nicolas, Verrettes, Petite Rivière de l'Artibonite, Marigot, et plus l'Arcahaie qui a obtenu un secours spécial pour sa fontaine. Toutes ces subventions se chiffrent par 22,400 piastres.

Pour les autres, édifices mis à l'entreprise, nous énumérons :

1. Le Tribunal Civil et le bureau de port de Jérémie ;
2. La construction de deux chambres avec dépendances servant d'Imprimerie, et la réparation du Trésor et du Tribunal Civil au Cap Haïtien ;
3. La réparation de la maison Boursier, à Jacmel, servant au Lycée Pinchinat, au Trésor et à l'Administration ;
4. Construction d'une Douane à St. Marc et réparation de son arsenal ;
5. À la capitale : réparations de la Douane, de la maison servant à l'école dirigée par Madame C. Legendre ; de la maison occupée par le Président d'Haïti, construction de la caserne de la garde du Président ; réparation du Fort Alexandre et restauration du Palais du Sénat et de la Chambre des Représentants.

Les travaux à l'ordre du jour auxquels ils est indispensable de mettre la main sont :

- L'érection des fontaines de Jacmel ;
- Le rétablissement de la fontaine de Miragoâne ;
- La Poudrière des Cayes ;
- La Prison de Jacmel ;
- L'achèvement de l'Église du Cap Haïtien ;
- La restauration du chemin de la Petite Anse.

Ces deux derniers projets d'entreprise ont nécessité l'envoi, sur les lieux, d'un ingénieur capable qui, après une étude approfondie des choses, a présenté ses appréciations dans un rapport que le Gouvernement tient actuellement sous examen.

Quant à Jacmel, depuis l'incendie de sa prison, qui était une  
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construction bien appropriée à son affectation, les autorités de l'endroit ne sont pas sans appréhensions sur le retard apporté à l'édification d'une nouvelle prison. L'absence de cet édifice et le peu de garantie qu'offre la maison inconvenable qui y supplée momentanément constituent un véritable danger. Il va falloir que le Gouvernement aise, en proportion des moyens en son pouvoir.

Les dernières agitations civiles par lesquelles le pays a passé durant une période de deux ans près avaient arrêté tous les travaux d'entretien, et à cela s'il faut ajouter les destructions arrivées par le fait du feu mis à plusieurs bourgs et villes, vous comprendrez combien sont devenues énormes les charges de l'administration sur ce point des travaux publics.

La ville d'Aquin, par exemple, malgré les sacrifices en matériaux qu'elle a déjà coûtés, est entièrement privée d'édifices domaniaux. De toutes parts il arrive au Gouvernement des réclamations justes et fondées; mais, pour y donner satisfaction et exonérer la caisse publique des locations par trop lourdes qu'il paie aux particuliers, ne faut-il pas qu'il soit muni de moyens suffisants? La Législature appréciera au vote du Budget.

#### *Domaines.*

L'administration générale des domaines, subordonnée qu'elle est aujourd'hui à des restrictions législatives, ne prend plus son essor que vers la régularité à maintenir dans le service intérieur de ses bureaux. Elle recueille la déclaration des terrains ou autres échus à la vacance, régularise la position des fermiers du domaine, reçoit les demandes d'affermages, y donne suite, confectionne des bordereaux pour la recette du produit des fermages, et, enfin, entretient une correspondance avec ceux que la loi met en rapport avec elle. Il serait à désirer que cette administration, qui tient en main l'avoir le plus réel de la République, eût une action plus développée, plus forte et plus directe sur ceux de ses subordonnés qui concourent avec elle à la conservation des biens du domaine, comme aussi à la perception des revenus qui en découlent. Que de débiteurs et combien peu sont les rentrées! Que l'administrateur, lui-même, soit chargé des recouvrements, en joignant son action à celle indispensable du commissaire du Gouvernement, sauf à en devenir responsable envers le Secrétaire d'État des Finances. Puis, faut-il encore des agents voyageurs à tirer de son personnel, qui aillent, eux-mêmes, constater et faire annuler, toujours avec la participation du commissaire du Gouvernement, toutes les occupations usurpées. Que de revenus se gaspillent dans les seules îles de la Gonave et de la Tortue! C'est pourquoi le titulaire de l'intérieur désire qu'il lui soit alloué des fonds nécessaires pour le complément d'un personnel à lui, qui ne travaillera rien qu'à tirer à clair, pour empêcher sa reproduction

à toujours, l'abus qui se fait, dans les localités lointaines, des intérêts du domaine, et toute dépense, à cet égard, sera productive.

### *Fonderie Nationale.*

La marche de la Fonderie Nationale continue à se recommander de plus en plus, tant pour ses produits en ouvrages confectionnés pour notre marine et autres branches de service, que pour le bien qu'elle fait à l'industrie privée ; et à cela ajoutons son rendement en espèces contre des travaux particuliers.

Aussi l'établissement s'attire-t-il l'intérêt de tous et, en particulier, la sollicitude du Gouvernement. Est en voie d'arriver de l'étranger une chaudière à vapeur à deux bouilleurs qui sera destinée à remplacer celle en service. C'est ainsi que le Budget pourvoira à toutes les dépenses que nécessitera cette fonderie, afin que rien ne vienne entraver sa marche vers une plus grande extension.

### *Maison Centrale.*

Comme il était facile de le pressentir, la Maison Centrale, sous la direction éclairée et énergique de son nouveau chef, a pris une impulsion des plus satisfaisantes. Tout y a été transformé sur un pied d'ordre respectable, et il n'est pas jusqu'à l'aspect de son intérieur qui n'accuse l'esprit disciplinaire. L'État bénéficie de ce changement favorable, en ce qu'aujourd'hui il retire de l'établissement des ouvrages confectionnés avec un soin et une exactitude qui ne s'étaient point fait remarquer sous les directions antérieures. Encore quelques encouragements, et l'établissement sera remonté comme aux premiers jours de sa création :

C'est à l'aide de ces deux établissements d'arts et métiers—la Maison Centrale et la Fonderie—que le Gouvernement se propose de former des sujets et de relever les professions qui y sont enseignées à la hauteur d'une bonne éducation de classes. Déjà quelques ouvriers obtenus font honneur au pays et seraient dignes de prendre place dans les ateliers étrangers. Aujourd'hui il s'agit d'étendre l'échelle, et il n'est pas un esprit sérieux, à quelque condition qu'il appartienne, qui n'apprécie les avantages qui résulteront de cette disposition pour l'avenir des jeunes gens qui, mis à temps en apprentissage de métiers utiles, auront l'esprit dirigé plutôt vers l'honnêteté et l'indépendance que vers des courses vagabondes à travers le monde.

La paresse et l'oisiveté dans lesquelles ont été laissés les enfants qui ne suivaient point les écoles en ont toujours fait soit des citoyens malversés, à la charge de la société, soit des paresseux à la charge du pays.

C'est dans cette pensée de remédier au mal qu'il sera porté au

Budget une demande d'allocation en faveur de 100 apprentis pour la Fonderie Nationale et de 50 pour la Maison Centrale.

Ces enfants seront engagés, dorénavant, par contrat, et, partant, placés sous la main du Gouvernement. Il ne sera plus vu de parents venant les retirer capricieusement de nos mains juste au moment où l'élève accuse les plus heureuses dispositions.

#### *Postes aux Lettres.*

La Direction Générale des Postes laisse beaucoup à désirer. Jamais, en aucun temps, des réclamations si réitérées ne s'étaient élevées contre l'organisation de ce service, sur lequel reposent tant d'intérêts divers. Et cependant ce sont les mêmes itinéraires à parcourir, la même besogne à faire.

Par les plaintes et les avis reçus, le Secrétaire d'État de l'Intérieur a, plus d'une fois, notifié au directeur actuel les déficiences qui entravent l'accomplissement d'une des clauses capitales de son contrat: celle relative aux heures de départ et d'arrivée des courriers. Il est revenu au Gouvernement que ces retards tiennent, tant à l'insuffisance et à la médiocrité des animaux qui font le service, qu'au mauvais choix qu'il fait de son personnel, mal rétribué en outre, ce semble. Or, c'est juste au moment où la ligne accélérée des bateaux à vapeur cloche que, de son côté, la direction postale se relâche d'activité, et cela malgré une addition de 1,000 piastres qui a été faite à sa subvention.

Par suite de cet état de choses et pouvant être menacé, d'un moment à l'autre, d'une interruption de communications, le Gouvernement a autorisé l'établissement d'une ligne de bateaux annexés qui le mette à l'abri de toutes éventualités.

#### *Ligne accélérée des Bateaux à Vapeur.*

La ligne accélérée des bateaux à vapeur, dirigée par Monsieur B. Rivière, est desservie, en ce moment, par un seul steamer; encore est-il, ce steamer, dans des conditions peu satisfaisantes de navigabilité, par les réparations fréquentes qu'exige sa machine. Le contrat passé avec la compagnie en 1862 ne validant plus, la 13<sup>e</sup> Législature fut saisie d'un nouveau contrat, qui, donnant lieu à des règlements de doit et d'avoir entre M. Rivière et l'État, n'a jamais reçu, jusqu'ici, une acceptation définitive. Ce document sera reproduit à l'examen des mandataires de la nation dans le cours de la présente Session. Toujours est-il que le directeur de la compagnie se retranche derrière cette excuse que, ne tenant point de contrat finalement accepté et sanctionné, il n'a pas dû s'engager à faire construire le complément des quatre bateaux, y compris une chaloupe à vapeur, qui sont stipulés dans son projet; que le fonctionnement de la ligne, tel qu'il se fait actuellement, n'était que pour maintenir la main. Tout compte

tenu, et, travaillés que nous sommes du besoin de communications le Gouvernement a fort à cœur de voir se soutenir, avec amélioration, bien entendu, la Compagnie Rivière qui a été si utile aux points de vue commercial, politique, et social, de 1862 à nos jours. Elle est encore appréciable, envisagée comme institution nationale fonctionnant dans un moment où différentes lignes de steamers étrangers sillonnent nos ports.

### *Incendies.*

D'Avril à Juillet derniers il s'est produit quatre cas d'incendie, dont deux à Port-au-Prince, un aux Gonaïves et un au Petit-Goâve, les premiers venant trouver les lignes d'eau de la capitale présentant, pour ainsi dire, le caractère d'un véritable anéantissement. À l'occasion de ces événements la société a eu la douleur d'enregistrer remarquablement à Port-au-Prince l'absence déplorable des ustensiles propres à l'extinction du feu.

L'imprévoyance de la commune a fait pousser de hauts cris, qui, par ricochet, sont venus atteindre le Département de l'Intérieur, comme ayant négligé d'exercer un contrôle suffisamment effectif et austère sur l'administration communale. La commune, de son côté, prenait le change; cependant, le Gouvernement avait fait des concessions pécuniaires au Conseil sortant, en vue d'une alimentation régulière d'eau et de la réparation de ses boyaux de pompes: 21,310 piastres 64 cents sont sorties de la caisse publique pour le premier objet, et 311 piastres 88 cents pour le second.

Dans la disposition où nous sommes que de semblables choses ne se répètent plus, l'Administration actuelle a résolu de demander immédiatement à l'étranger six pompes à incendie, avec tous les appareils voulus, qui seront réparties, par deux pompes, dans trois grands centres de la République. En attendant que les crédits demandés à cet effet soient régularisés par les Chambres, nous donnerons suite à cette idée, certains qu'elle sera patronnée à qui de droit.

Revenant à la mention peu satisfaisante qui a été faite de la police en général, nous déclarons être dans le plus ferme désir d'employer, coûte que coûte, de nouveaux moyens pour obtenir sa réorganisation. Le Gouvernement s'en réservera, à lui seul, l'administration, sauf à distribuer entre tous les bureaux civils, sans distinction de dénomination, la quantité d'agents nécessaires à chacun d'eux.

Appréciateurs des innovations légitimes qui assurent à la communauté un bienfait incontestable, et vu notre peu de foi dans l'amélioration, par la seule initiative communale et dans un futur rapproché, de notre système de distribution d'eau, nous avons fait consigner dans le journal officiel l'offre à une compagnie, pour un temps déterminé, de deux concessions, avec exploitation au bénéfice

de la compagnie, ayant pour mobile un approvisionnement suffisant et régulier d'eau à la ville du Port-au-Prince; et, en même temps, l'éclairage au gaz de la cité, en indiquant pour modèles de ces entreprises les systèmes qui ont été inaugurés à Kingston (Jamaïque) pour la première et à St. Jean (Porto Rico) pour la seconde.

Tel est notre vœu, Messieurs les Législateurs, que l'État n'ait à s'imposer, à cet égard, aucuns lourds sacrifices, sinon qu'il sera tenu à la protection morale due pour le bon succès de tels établissements.

Ce sera le meilleur moyen d'arriver vite à des résultats sérieux, en ce qui est des deux projets que nous préconisons et qui, nous en avons la confiance, obtiendront la ratification des Chambres.

#### RELATIONS EXTÉRIEURES.

Nos relations avec les Puissances accréditées en Haïti continuent à être très satisfaisantes. Le Gouvernement de la République attache le plus haut prix au maintien de cet heureux état de choses, et il s'efforce, en toute circonstance, de faire éclater les sincères dispositions dont il est animé sur ce point. Il trouve un nouveau motif de persévérer en cette voie dans les témoignages qu'il reçoit en retour.

C'est ainsi qu'il a été tout particulièrement touché de l'élévation, au rang de Ministre Résident, de M. Spencer St. John, naguères Chargé d'Affaires de Sa Majesté Britannique au Port-au-Prince, et qui a acquis plus d'un titre à notre estime. C'est là pour notre République une marque de considération et, pour son chef personnellement, une preuve de sympathie qu'il est de notre devoir de signaler à votre attention et à celle du pays.

Il y a déjà près d'une année que nos préoccupations absorbantes à l'égard de la République Dominicaine ont diminué d'intensité. Nous était-il possible de rester indifférents à ce qui s'accomplissait sur le même sol que nous foulons? Nous était-il possible, au moins en ce qui concernait les Dominicains qui avoisinent notre ligne frontière, avec lesquels nous sommes dans un contact continu, et, par suite en ce qui touche la sécurité intérieure de nos populations, de ne pas envisager les conséquences d'une modification dans les conditions de la souveraineté de cette République? Cette question est entrée dans une phase nouvelle, où elle subsiste encore, dans une phase qu'il appartient aux seules résolutions, à la seule volonté du peuple Dominicain de modifier ou de maintenir. Quoiqu'il en soit, depuis le premier jour où notre attention a commencé à être attirée de ce côté, jusqu'à ce moment, notre conduite n'a pas varié. Nos devoirs se résument et se résument encore à veiller au maintien de l'ordre, le plus complet, sur notre ligne frontière, et à nous prémunir contre tout ce qui pourrait porter atteinte au repos de nos popula-

tions, tout en persévérant dans l'observance des prescriptions dictées par notre ferme volonté de ne pas nous immiscer dans les affaires de la République voisine. Telle est la voie que nous nous sommes tracée et que nous continuons à suivre.

Au moment où les Chambres de la 18<sup>e</sup> Législature se séparaient, l'année dernière, l'attention du Département des Relations Extérieures était spécialement sollicitée par deux réclamations à poursuivre, celle concernant la reconnaissance de notre souveraineté sur la Navaze par le Gouvernement des États-Unis, et celle qui avait pour but d'obtenir du Gouvernement Impérial Allemand le redressement de la conduite du Capitaine Bastch.

L'affaire de la Navaze n'a pas eu une solution définitive. Elle se poursuit, toutefois, avec la plus persévérante sollicitude; et le Représentant de la République aux États-Unis sait combien le Gouvernement désire qu'il néglige rien pour que notre bon droit dans cette circonstance soit reconnu et respecté.

La mission de notre Envoyé Extraordinaire et Ministre Plénipotentiaire à Berlin, M. le Général Brice, a eu un résultat dont l'honneur national peut tenir compte,

En effet, en même temps qu'il nous faisait part du regret qu'il éprouvait de ce qui avait eu lieu dans nos eaux, et qu'il exprimait le vœu que ce déplorable incident n'altérerait pas les bonnes relations existant entre les deux pays, le Gouvernement Impérial Allemand nous informait qu'il avait immédiatement fait demander à Berlin le Capitaine Bastch, alors en voyage en Amérique, pour soumettre sa conduite à une enquête. Notre Ministre Plénipotentiaire crut devoir, et nous l'en félicitons, considérer cette satisfaction comme suffisante; par l'accueil bienveillant et sympathique qu'il reçut à Berlin et les déclarations qui lui furent faites par le Gouvernement Impérial étaient des témoignages irrécusables d'un esprit de modération, de conciliation qui, résultant d'un sentiment de justice à notre égard, contrastait d'une manière éclatante avec les procédés du Capitaine Bastch et constituait un blâme sévère de sa conduite.

Au terme de cette délicate mission, pour l'accomplissement de laquelle il avait prolongé son séjour en Europe, le Chef de nos Légations de Paris, de Londres, et de Madrid, M. le Général Brice, est retourné au milieu de nous, après avoir représenté la République près des Cabinets de Paris et de St. James, surtout, pendant une période de près de trois années.

Les Chambres Législatives avaient décidé qu'après le retour de notre Ministre Plénipotentiaire, la direction de nos Légations en Europe serait confiée à un Chargé d'Affaires, accrédité en même temps à Paris et à Londres. Le Gouvernement s'empressa de donner suite à cette résolution. Cependant, il a cru que dans l'intérêt de la bonne marche de notre service diplomatique à l'étranger, il était



préférable d'établir un chef responsable pour chaque Légation, indépendant des autres, résidant au siège même de sa mission et en communication constante tant avec nous qu'avec le Département des Affaires Étrangères du pays où il est accrédité. C'était une application plus conforme à la nécessité, de la pensée qui avait dicté la mesure adoptée par les Chambres ; et cette augmentation du personnel n'aurait eu des inconvénients que si elle eût exigé une augmentation dans les dépenses votées. Mais il n'en a rien été, et c'est avec la même provision portée au Département des Relations Extérieures pour notre représentation à l'étranger que, grâce à une répartition que vous apprécierez, nous avons pu créer deux Légations distinctes, l'une à Paris, l'autre à Londres, dirigée chacune par un Chargé d'Affaires, ayant avec lui un Secrétaire.

Le Département des Relations Extérieures n'a pas manqué de donner suite à la généreuse résolution adoptée par les Chambres, concernant les portraits de l'honorable Sénateur Sumner, à faire exécuter pour être placés dans l'enceinte de la Chambre et du Sénat. La somme votée dans ce but a été mise à la disposition de notre Représentant aux États-Unis, et nous ne tarderons pas à posséder et à voir dans les salles de vos séances cette figure sympathique de l'homme qui a conquis tant de titres à la vénération du peuple Haïtien.

Nous avons dû recourir à l'arbitrage dans deux circonstances, dans le but de déterminer et de fixer les chiffres d'indemnité à accorder pour : (1) une réclamation comprise parmi celles déferées à l'examen de la Commission Mixte Américano-Haïtienne, et (2) une autre réclamation produite par le Ministre Résident des États-Unis d'Amérique, en faveur de M. Teel, Agent Consulaire des États-Unis, arrêté dans le temps, sous prévention, non reconnue fondée, de fabrication de fausse monnaie. C'est M. Henry Byron, Vice-Consul de Sa Majesté Britannique, qui a été choisi par les deux parties pour arbitre dans ces deux circonstances.

Le Gouvernement éprouve une sincère satisfaction de porter à votre connaissance que les termes de notre double dette envers la France, échus depuis la clôture de la dernière session, et s'élevant à la somme de 2,792,284 francs 40 cents, ont été exactement payés. Cette régularité dans le paiement de notre dette a permis la reprise du tirage des obligations de l'Emprunt abandonné depuis 1866.

Le Gouvernement est heureux et fier de ce résultat, qui relève le crédit du pays et le montre soucieux de faire face à des engagements sacrés.

Le Ministre Résident des États-Unis d'Amérique a demandé au Gouvernement de la République, en vertu des instructions et des pouvoirs qu'il a reçus à cet effet, de fixer avec lui, conformément à l'Article XXXVII du Traité d'Amitié, de Commerce, et d'Extradition

des Criminels Fugitifs entre les deux pays,\* les pouvoirs et immunités des Consuls et des Vice-Consuls des parties respectives.

Le Gouvernement s'est empressé de satisfaire à cette demande en nommant pour son Plénipotentiaire M. Thomas Madiou, qui a reçu les instructions que réclamait la circonstance.

Le règlement des réclamations étrangères pour pertes essayées pendant notre dernière guerre civile n'a pas manqué d'avoir une large part dans les préoccupations du Gouvernement. Ces réclamations ont été soumises, dans le temps, comme vous devez le savoir, à l'examen de Commissions Mixtes. Le rapport de la Commission Anglo-Haïtienne a été le premier prêt et déposé. Mais le Représentant de Sa Majesté Britannique, ne trouvant pas dans les principales décisions de cette Commission l'application des principes qui, selon son Gouvernement, devaient servir de règles à l'examen des réclamations présentées, une nouvelle Commission fut nommée, sur sa demande. Mais le nouveau rapport sur la question ne fut présenté qu'après la fermeture des Chambres.

Deux ou trois jours avant la clôture de la dernière session, la Commission Américano-Haïtienne déposa son rapport, et la Commission Franco-Haïtienne n'eut que le temps de remettre un état des réclamations admises et du montant de ces réclamations. Le Gouvernement s'empressa, toutefois, de demander l'autorisation de désintéresser les réclamants. Il lui fut répondu que la session était trop avancée pour que les Chambres eussent le temps d'exercer leur droit général d'examen et de créer les ressources qui pourraient être affectées au paiement des créances reconnues légitimes. Le règlement de ces affaires fut donc renvoyé à une prochaine session.

M. le Comte E. de Lémont, Chargé d'Affaires et Consul-Général de France, s'éleva contre cette décision, et, sur notre déclaration de ne pouvoir payer immédiatement le chiffre afférent à ses nationaux et admis par la Commission Franco-Haïtienne, il nous fit parvenir une note, en forme de protestation, dans laquelle il déclarait revenir sur les déductions opérées par la Commission et demanda la somme totale des réclamations, nous accordant un délai de 48 heures, passé lequel, s'il n'était satisfait, il laisserait la poursuite de cette affaire à l'Amiral commandant la station navale des Antilles.

Il est bon de dire que les Représentants de l'Angleterre et des États-Unis s'étaient bornés à nous faire part du désir que le Gouvernement n'attendît pas jusqu'à la prochaine session pour faire un règlement, et à nous exprimer que leurs Gouvernements éprouveraient une pénible impression de cette prolongation de délai.

Une démarche aussi pressante que celle de M. le Chargé d'Affaires de France nous faisait redouter de sérieuses difficultés. Pour les prévenir, le Gouvernement crut sage de porter la question devant le

\* November 8, 1864. Vol. LIV. Page 1141.

Gouvernement Français et de lui demander directement de consentir au délai que la décision des Chambres avait fixé. M. le Chargé d'Affaires de France fut informé de ce dessein, auquel il acquiesça. Il ne tarda pas à nous annoncer lui-même, avec un bienveillant empressement, qu'il était autorisé à nous faire savoir que notre demande était favorablement accueillie par le Gouvernement Français. Nous avons été ainsi bien heureux de constater, encore une fois, que nous ne comptons jamais en vain sur la haute impartialité et le sentiment de justice qui anime la France et son Gouvernement à notre égard.

Ultérieurement le Représentant de Sa Majesté Britannique nous a fait part du désir de son Gouvernement de voir régler le plus promptement possible ce qui concernait les réclamants Anglais, et ce Département a dû lui faire connaître la ligne de conduite tracée au Gouvernement. Nous aimons à nous persuader qu'il a apprécié les considérations qui lui ont été exposées dans cette circonstance.

Le Gouvernement est convaincu que vous donnerez votre plus sérieuse attention à tout ce qui concerne ces réclamations, et il vous demande de ne rien négliger pour leur règlement définitif selon le mode qu'il vous proposera ou selon tout autre mode que vous jugerez préférable. Il a pris l'engagement d'insister auprès de vous afin qu'aucun nouveau retard ne vienne faire naître des difficultés qui ont réclamé de nous de grands efforts pour être écartées.

Votre sagesse et votre patriotisme pèseront cet engagement et vous inspireront de salutaires résolutions.

Le Gouvernement recommande aussi à toute votre sollicitude les documents qui vous seront communiqués relativement aux objections que le Gouvernement des États-Unis d'Amérique a cru devoir formuler, par l'entremise de son Représentant, contre l'application à ses nationaux de certaines dispositions de la Loi du 24 Août, 1872, déterminant le mode de règlement des créances contre l'Administration Salnave. C'est aux Chambres Législatives seules qu'il appartient d'examiner et d'apprécier cette réclamation, qui se produit contre une loi déjà votée et promulguée. C'est à elles qu'il appartient de concilier, dans la mesure qu'elles jugeront convenable et autant que le cas l'exige, les satisfactions qui peuvent être accordées aux intérêts importants qui sont en jeu avec les principes du droit international et public actuellement admis et pratiqués, selon les circonstances, par les peuples civilisés.

Le Département des Relations Extérieures mettra tous ses soins à vous faciliter l'adoption de mesures qui puissent amener une solution juste, équitable et satisfaisante pour les deux Gouvernements.

Tel est l'exposé sommaire et fidèle de ce qui a eu lieu d'important dans l'intervalle des deux sessions. Le Secrétaire d'État des Relations Extérieures se tiendra à la disposition des deux Chambres

pour leur communiquer tous les documents, pour leur fournir tous les éclaircissements qui leur seront utiles pour l'accomplissement de leur mission de contrôle et de consciencieux examen : c'est la condition indispensable de l'adoption des résolutions que vous jugerez nécessaires pour assurer le bien-être des intérêts confiés à ce Département.

#### FINANCES ET COMMERCE.

A défaut d'un travail auquel il aurait désiré que rien ne manquât, notre Secrétaire d'État des Finances, qui n'a pris le portefeuille que depuis quelques jours, se voit réduit à ne vous donner, pour le moment, qu'un exposé sommaire, mais exact, de notre situation financière.

Le retrait du papier-monnaie est heureusement terminé. Le Secrétaire d'État vous fera parvenir, sitôt qu'il l'aura reçu, le rapport général de la Commission Exécutive sur cette opération délicate. Mais vous le savez, Messieurs, une révolution financière ayant pour but de faire disparaître le principe même d'un mal, une révolution de ce genre, disons-nous, exécutée sans préparation, fait naître toujours dans les transactions commerciales de grands embarras, et ce n'est qu'au moyen de quelques mesures de précaution indiquées par la prudence et prescrites par l'intérêt public qu'on peut assurer le succès d'une pareille réforme.

Il importe d'aviser, au plus vite, aux moyens d'empêcher des crises monétaires telles que celles que nous traversons. Or, dans l'état de confusion où se trouvent nos monnaies de cuivre, insuffisantes d'ailleurs pour les achats quotidiens et les petits échanges, n'est-il pas urgent d'adopter une monnaie de billon qu'on ne puisse pas exporter et qui, donnant toute satisfaction à nos populations, les mette à l'abri de tout trouble dans les transactions journalières, surtout lorsque le numéraire se retire du marché, comme cela arrive en ce moment ? La quantité de billon émise ne devra pas dépasser 400,000 piastres sur un budget de 2,500,000 piastres : c'est 16 pour cent. Dans cette proportion la monnaie de billon ne se dépréciera pas.

L'utilité d'une banque d'escompte et de circulation se fait sentir chaque jour de plus en plus. Avec une caisse publique où les particuliers pourront négocier leurs effets ou déposer leur argent pour en tirer un intérêt, on donnera au crédit toute sa portée et toute son étendue, on initiera ainsi le commerce à ce sentiment de solidarité qui lui manque, et on ne verra plus les traites, dans la morte saison, faire jusqu'à 10 pour cent de prime. En effet, l'établissement d'une banque contribuera puissamment à faire baisser, à cette époque de l'année, la prime dans une proportion dont s'accommodera le petit commerce. Ce sera le coup de mort de l'agiotage.

Plusieurs projets de banque ont été soumis au Gouvernement par des maisons étrangères. L'examen de projets de cette importance demande du temps, et toutes les questions qui s'y rattachent doivent être étudiées avec une grande circonspection.

Un pays qui a 4,500,000 de piastres de revenu et dont la dette publique ne s'élève pas à plus de 5,000,000, n'annonce pas des finances désespérées.

Du 1<sup>er</sup> Octobre, 1871, au 30 Septembre, 1872, on a obtenu pour total de l'exportation du café le chiffre de 64,792,608 livres.

Si l'on compare les chiffres indiquant, il y a deux ans, l'état de l'exportation annuelle du coton avec ceux de 1871-72, on sera étonné de l'extension donnée à la culture cotonnière dans notre pays. Le total de l'exportation, pour cette dernière période, s'élève à 4,140,315 livres.

L'état des sommes reçues des différents retraits de la République présente les chiffres suivants :

Fonds existant au—

	Dollars.
Trésor général .. .. .	14,723,822
Retrait de la capitale .. ..	218,526,989
„ du Cap Haïtien .. ..	71,134,902
„ de Jacmel .. ..	33,281,437
„ des Cayes .. ..	51,662,468
„ des Gonaïves .. ..	40,211,352
„ de Jérémie .. ..	27,717,933
„ de Saint Marc .. ..	20,279,887
„ de Miragoâne .. ..	16,811,448
„ de Port-de-Paix .. ..	6,591,692
„ d'Aquin .. ..	25,052,300
Total .. ..	525,994,230

Ce retrait s'est effectué au moyen de l'emprunt de 800,000 piastres et de l'impôt de 45 pour cent sur les droits d'importation et d'exportation.

La recette générale de l'exercice 1871-72 s'élève, après déduction du montant des conversions porté comme écriture d'ordre, celui des 10 pour cent pour dettes de la Révolution et après conversion de la monnaie nationale en monnaie forte, à 3,812,775 piastres 82 cents.

La dépense générale s'élève, après déduction du montant du Chapitre III de la nomenclature des dépenses du Département des Finances, comprenant les sections : "Restitutions diverses," Démonétisation, "Dette publique intérieure," porté comme écriture d'ordre et après conversion de la monnaie nationale en monnaie forte, à 2,066,867 piastres 40 cents.

Le Budget général des dépenses de l'exercice 1871-72 s'élève après conversion de la monnaie nationale en monnaie forte, à 2,502,441 piastres 87 cents.

Le produit des 10 pour cent dettes de la Révolution, du 1<sup>er</sup> Octobre, 1872, au 31 Mars, 1873, s'élève à 97,772 piastres 86 cents.

Le produit de la surtaxe des 25 pour cent, durant la même période, s'élève à 215,678 piastres 76 cents, et celui des 20 pour cent à 217,145 piastres 95 cents ; total : 432,824 piastres 71 cents.

L'exactitude de ces chiffres ressortira clairement de l'examen des comptes généraux qui vous seront envoyés très-prochainement.

#### GUERRE ET MARINE.

L'année dernière nous avons entretenu le Corps Législatif des grandes difficultés qui s'opposaient à l'organisation définitive de l'armée. Elles ont un peu diminué sans s'effacer complètement.

La Loi du 24 Juillet, 1872, rendue par le Corps Législatif sur la durée du service militaire dans l'armée de terre, a eu sa pleine exécution dans beaucoup d'arrondissements de la République. Il reste à voir s'exécuter, pour combler le vide existant dans l'armée, la loi du recrutement par le tirage au sort.

Ce n'est pas sans regret que nous sommes obligés encore cette année de vous parler du mauvais état des hôpitaux militaires de la République qui tombent en ruines. Partout, ces établissements méritent des réparations qui ont été signalées au Département de l'Intérieur. Il est prouvé, quoiqu'il en soit, que les malades de ces divers établissements sont entourés de tous les soins et pourvus de tout leur nécessaire.

Relativement à la question de réparations, nous vous parlerons aussi de nos arsenaux et magasins d'artillerie, qui, comme le reste des édifices publics, ont besoin d'être restaurés. Dans ces établissements se poursuivent activement les réparations de nos armes, et il leur est pourvu de tout pour la conservation, autant que possible, des engins de guerre qui y sont en dépôt.

Dans le prochain Budget qui va être soumis au Corps Législatif, une allocation de 40,000 piastres, additionnelle à "matériel" et "entretien de l'armée," lui sera demandée pour acquisition de fusils et de pièces de campagne dont sont privés nos arsenaux, et que déjà nous avons dû faire venir pour répondre aux éventualités. Il n'est pas à douter que ce chiffre en sus sera accordé, car il est d'urgente nécessité d'effectuer cette dépense.

Un fait qu'il est facile de comprendre, c'est l'embarras dans lequel se trouvent les commandants de départements en n'ayant, chacun, qu'un seul adjoint et un secrétaire. Cette insuffisance étant évidemment reconnue, le budget de la guerre demande à en

consacrer deux à chacun de ces fonctionnaires, en raison des grands services qu'ils peuvent être appelés à rendre dans un moment urgent et sur des points différents. Il sera aussi demandé deux adjoints aux bureaux de la Secrétairerie d'État de la Guerre.

En Juillet de l'année dernière, des vêtements de drap commandés en Europe n'ont pu arriver en Décembre pour habiller l'armée le 1<sup>er</sup> Janvier expiré, ainsi que le Gouvernement en avait le désir. Maintenant ils sont arrivés, et la répartition de ces effets militaires se fait dans tous les arrondissements de la République.

Cette commande faite par l'entremise de notre Ministre Plénipotentiaire d'alors, le Général Brice, a été effectuée dans les conditions les plus avantageuses à l'État.

Il en est de même pour 10,000 paires de chaussures que notre Ministre a dû acheter, vu les conditions avantageuses dans lesquelles il les avait rencontrées. Ces chaussures étaient indispensables pour compléter l'habillement de l'armée. Ces fournitures rendues ici, tous frais compris, s'élèvent à 160,000 piastres. Il y a là une différence avec le chiffre de 75,000 piastres voté pour cette dépense.

C'est ici l'occasion de reconnaître qu'il a été impossible de reculer devant l'impérieuse nécessité d'habiller nos soldats d'une façon telle qu'il doit même résulter des économies pour l'État; car en envisageant les dépenses faites pour habiller l'armée chaque année en toile bleue (ce qui ne se conserve pas au-delà de trois mois), quand on peut lui donner des vêtements de drap pouvant durer environ trois ans, on arrive, calcul fait, à reconnaître que la dépense de toile bleue, confection, &c., doit dépasser, au bout de ce temps, le prix des vêtements de drap. C'est là un avantage immense pour le fisc. À part de cette considération il est arrivé le jour où nous devons finir avec ce costume de toile bleue, qui rappelle à quelque sorte le souvenir de nos récentes dissensions.

L'organisation de la marine, comme le prescrit la dernière loi sur la matière, n'a pas pu avoir son plein et entier effet en raison des événements d'une haute gravité survenus dans le Nord. Le Gouvernement, pour sauvegarder la paix, fut obligé d'envoyer stationner dans les eaux du Océan Haïtien la corvette *Union*, qui était destinée à être mise en réserve. Mais, contre toutes les prévisions, cette station n'a pas duré moins de neuf mois; car ce n'est qu'en Mars dernier que l'Administration supérieure a pu faire revenir ce navire dans nos eaux et licencier, le 15 Avril seulement, les 60 marins, pour rentrer dans le chiffre de 142 hommes voté au Budget.

Je dois toutefois vous dire que cette mesure, commandée par des motifs politiques que vous apprécierez, n'a cependant pas augmenté sensiblement le chiffre alloué à ce département.

La corvette *Terreur* a été désarmée. Mise en vente, l'Administration supérieure n'ayant reçu qu'une offre dérisoire de 500 piastres, a jugé plus à propos de la faire démolir. Elle espérait obtenir par la vente du fer, de la fonte et du cuivre qu'on en tirerait, des fonds suffisants pour l'acquisition d'une bonne chaloupe à vapeur capable de porter sur nos côtes, avec célérité, les résolutions du Gouvernement en lui épargnant ces grands frais qu'exige la mise en train de nos forts navires. Déjà, par le travail de démolition, une bonne quantité de fer, de cuivre en a été retirée, et le Gouvernement se disposait à faire continuer ce travail quand une offre de 2,000 piastres lui parvint pour ce qui restait du navire ; ce que le Conseil des Secrétaires d'État accepta.

Je vous ai entretenu, dans la dernière session, de l'insuccès qu'avait eu le Gouvernement dans les réparations exécutées sur le *Mont Organise* à Nassau, et de l'état pitoyable dans lequel cette corvette nous est revenue. Tenant à cœur de conserver ce navire, il prit la résolution de reprendre ces réparations en sous-œuvre avec les seules ressources du pays et de les pousser jusqu'à obtenir un résultat satisfaisant. Son attente n'a pas été trompée. Ce navire, que généralement l'on croyait perdu, se trouve aujourd'hui dans un bon état de navigabilité, grâce à la persévérance du Secrétaire d'État à qui ce Département est confié, à la persistance de l'Amiral ; au travail des ouvriers de notre Fonderie Nationale, et à la pratique du premier mécanicien du bord.

Le Gouvernement voulant sauver notre belle corvette *Union*, avait conçu le projet, l'année dernière, de l'envoyer aux États-Unis pour y être complètement refondue ; mais, pour des raisons qui vous seront déduites, ce voyage a été différé. Néanmoins on y a exécuté certaines réparations urgentes qui la rendent propre encore à quelques services.

Comme le Gouvernement, vous comprendrez, sans nul doute, l'utilité d'une marine, non-seulement en vue de la surveillance de nos côtes, mais encore pour la promptitude des communications sur tous les points de la République, soit en transportant des dépêches à bref délai, soit en enrayant certaines combinaisons des ennemis de l'ordre public.

Aussi le Secrétaire d'État de la Marine, tout en vous exposant dans le cours de cette session l'état de notre marine de guerre, qui réclame à un si juste titre toute la sollicitude du Gouvernement, vous démontrera l'insuffisance d'un seul navire affecté à ce service important, et vous demandera des fonds pour l'achat de deux avisos capables de remplacer l'*Union*.

Confiant dans votre patriotisme éclairé, le Gouvernement a l'espoir que vous voterez cette allocation, qui devra servir efficacement à consolider la sécurité de nos côtes, et que vous prendrez en



sérieuse considération les raisons qui ont motivé les différentes décisions qu'il a cru devoir prendre pour la sécurité publique.

### INSTRUCTION PUBLIQUE.

Le Gouvernement continue la réorganisation de nos écoles nationales, que les événements avaient presque détruites.

Le matériel, cette partie si essentielle à leur fonctionnement, a été fourni en raison des ressources budgétaires très-restreintes dont dispose l'Administration de l'Instruction Publique.

Le personnel enseignant, par le plus grand contrôle possible, n'a cessé d'être l'objet de notre plus grande attention ; et il a été ramené souvent à l'observance du devoir, malgré les justes motifs de défaillance et de découragement qui résultent de la position précaire où se trouvent ceux qui se livrent à l'enseignement primaire élémentaire.

*Écoles Rurales.*—L'année dernière, à l'époque où j'avais l'honneur de présenter au Corps Législatif la situation de cette branche importante du service, il n'existait dans toute la République que 37 écoles rurales et de quartier ; aujourd'hui ces établissements ont atteint le chiffre de 122 et 4 sont en instance d'installation. Dans certaines localités, le zèle des autorités, nous disons même le zèle des habitants des campagnes, s'est largement déployé et a prêté un concours satisfaisant à l'organisation des écoles rurales. Dans d'autres, les efforts de l'Administration supérieure ont été jusqu'ici impuissants à réveiller les uns et les autres de la trop longue torpeur où ils vivent à propos de l'instruction publique. Cependant, à raison de notre persévérance, nous ne désespérons point de voir celles de nos communes qui se trouvent dans ce cas rentrer dans le courant des idées qui préoccupent le pays à ce point de vue. Une circulaire dans ce sens vient d'être adressée aux différentes autorités de ces communes retardataires, et nous avons l'espoir qu'à la fin de cette année toutes les communes de la République seront dotées de plusieurs écoles rurales, et qu'une suffisante expérience sera faite de l'efficacité de l'organisation de cette partie de l'enseignement public.

Les rapports qui ont été faits à la Secrétairerie d'État de l'Instruction Publique par les corps surveillants et par des citoyens notables chargés d'inspecter nos établissements scolaires, annoncent que quelques écoles fonctionnent de la manière la plus satisfaisante.

*Écoles Urbaines.*—En général, aucune amélioration ne s'est produite dans la marche, dans les progrès de ces écoles les plus intéressantes du pays. Le nombre des élèves qui les fréquentent est resté le même ; l'instruction s'y donne lentement, difficilement. Cependant il est juste de faire exception de quelques établissements qui, par le zèle et le dévouement des directeurs, fonctionnent à la

satisfaction du Gouvernement. A ces honorables directeurs, à d'autres qui, bien que moins méritants, ont attiré notre attention, des primes d'encouragement ont été accordés dans la limite des faibles moyens dont l'Administration dispose.

*Écoles nationales dites des frères; Écoles nationales dites des sœurs.*—Les résultats obtenus par ces écoles sont satisfaisants; et, comme conséquence du mauvais fonctionnement de nos anciennes écoles nationales, celles qui font l'objet de ce chapitre (les écoles des frères et celles des sœurs) sont les plus recherchées et les plus sollicitées des familles, particulièrement à la capitale. Mais il est certain que du moment où le Gouvernement entreprendra la réorganisation de celles-là, elles s'élèveront toutes au niveau des autres.

Pour compléter le nombre de ces écoles votées au Budget de la République, il nous reste à fonder deux de garçons dont l'une au Cap et l'autre au Port-de-Paix, et quatre de demoiselles dans les localités suivantes: Cayes, Jérémie, Gonaïves, et Port-de-Paix. Elles ne l'ont pas été jusqu'aujourd'hui par manque du personnel dirigeant. Mais en ce moment deux sont en instance, et bientôt nous espérons voir fonctionner les autres.

*Écoles secondaires et primaires de garçons et de filles.*—Les écoles de garçons établies à Port-au-Prince, à Jacmel, aux Gonaïves, à Jérémie, à St. Marc, fonctionnent assez bien, mais avec un petit nombre d'élèves. Les inconvénients qui paralysent la marche de ces établissements ont été tant de fois signalés qu'il est inutile de les rapporter ici: il suffit de dire que ces inconvénients proviennent de l'insuffisante et de l'imparfaite organisation du service.

Les écoles de demoiselles sont au Port-au-Prince, aux Cayes, au Cap, et à Jacmel. Cette dernière n'a été ouverte que depuis un mois. Il ne nous reste que Jérémie à pourvoir d'une école. Alors toutes celles inscrites au Budget seront enfin organisées. Une de ces écoles est signalée au Gouvernement comme réalisant de notables progrès. Deux dames institutrices étrangères ont été appelées à concourir au développement de l'école du Port-au-Prince, où il a été jugé nécessaire d'introduire l'étude de l'Anglais. Aux Cayes cette langue et l'Espagnole s'étudient avec succès.

*Les Lycées.*—Ces établissements d'enseignement secondaire fondés à la capitale, au Cap, et aux Cayes, méritent toute l'attention et toute la sollicitude du Gouvernement. C'est, en effet, de ces institutions que doit sortir, dans quelques années, toute une pépinière de jeunes gens qui auront acquis des connaissances solides et utiles, connaissances qu'ils pourront mettre au service de leur pays en offrant ainsi au Gouvernement une large compensation à tout ce qu'il a entrepris et exécuté pour leur bonheur futur.

De nobles efforts que je signale à votre attention sont faits pour le personnel enseignant de ces établissements, qui rivalisent de

zèle et de dévouement. Mais combien ne reste-t-il pas à faire pour que les résultats désirables soient obtenus. Le Lycée du Cap et celui des Cayes, privés de locaux, vivent dans une condition telle que cette situation des lieux suffit à elle seule pour arrêter tout progrès dans ces institutions. Aussi, Messieurs, vous ne refuserez pas de voter spécialement au Département de l'Instruction Publique la somme qui figurera à son budget pour la construction de deux bâtiments destinés aux deux Lycées des Cayes et du Cap.

Le niveau des études s'étant remarquablement élevé dans ces établissements, le Gouvernement a jugé nécessaire d'accorder une prime d'encouragement à quatre des professeurs du Lycée de la capitale et de celui des Cayes, et a augmenté, par les moyens mis à sa disposition, d'un professeur, le personnel du Lycée des Cayes. Le même besoin se faisant sentir au Cap, il y sera pourvu, en attendant que les nouveaux professeurs qui ont été demandés en France arrivent, afin que le programme d'études puisse être révisé, selon les besoins actuels du pays et appliqué avec suite et régularité. Les Bourses votées par le Gouvernement sont accordées équitablement à la jeunesse de toutes les localités du pays. Les élèves appelés à jouir de cette munificence de l'État sont l'objet d'une attention toute particulière. Les rapports qui nous sont parvenus sur leur conduite et leur application sont satisfaisants.

En attendant qu'une école normale du sexe puisse être fondée, le Gouvernement portera au budget une allocation pour traitement de 20 demoiselles qui seront confiées aux sœurs de l'Instruction Chrétienne les mieux indiquées pour former de jeunes institutrices. Les candidats seront choisis spécialement dans nos communes les moins considérables, qui souffrent le plus de l'absence d'écoles nationales.

Quant à une école normale où l'enseignement professionnel doit être donné à un certain nombre de jeunes gens, déjà, l'année dernière, la Chambre a voté en principe une loi qui crée cette école comme base de toute bonne réorganisation, et le Gouvernement, de son côté, s'associant à la Chambre, lui avait communiqué des documents traitant de cette question importante que lui avait fait parvenir notre Légation en France : il ne nous reste, Messieurs, qu'à couronner l'œuvre.

*École de Musique.*—Cette école, récemment fondée, fonctionne avec des résultats satisfaisants.

*École de Médecine.*—Des documents pleins d'intérêt ont été publiés dernièrement sur la marche de cette école et sur les études qui s'y poursuivent avec succès.

Mais de l'aveu de tous les hommes compétents, il importe, pour que ces études réalisent les justes espérances qu'il est possible

d'en concevoir, que les élèves soient internés, et que, quant à présent, pour que le recrutement des élèves des autres localités puisse être effectué, l'allocation accordée soit augmentée. En attendant, en égard au manque des hommes de l'art dont le pays souffre, le Gouvernement demandera au Corps Législatif de voter une allocation pour l'entretien en Europe de cinq de nos meilleurs sujets.

### *Institutions et Écoles Libres.*

Dans les départements un très petit nombre de ces écoles existent et fonctionnent régulièrement; mais partout, et notamment à la capitale, où ces sortes d'établissements se font remarquer, on rencontre en outre, çà et là, des groupes de 5, de 10, de 20 enfants formant autant d'écoles dont l'existence reste ignorée et qui échappent ainsi à tout contrôle. Ce fait inaperçu d'initiative privée pourrait être très louables s'il se produisait dans des conditions meilleures et n'occasionnait un fatal déchirement d'un des principes de l'instruction publique, la surveillance, et ne mettait en doute l'avenir d'un bon nombre d'enfants.

La cause de l'existence de ces réunions irrégulières ne s'explique certainement que par le relâchement des études dans nos écoles nationales, par le manque de toute bonne discipline et par tous les autres inconvénients aussi graves et déjà signalés qui rendent caducs nos établissements d'enseignement primaire et les menacent d'une ruine complète, si on ne se hâte d'y remédier, et en présence desquels les pouvoirs de l'État ne peuvent plus hésiter en considération de la grande avidité d'instruction qui se constate dans la jeunesse et de l'empressement des familles de faciliter la jouissance de ce précieux bienfait.

Parmi ces établissements d'instruction libres qui rendent des services bien appréciés, je me fais le devoir de vous signaler l'École Polymathique, la maison des Sœurs de St. Joseph de Oluny, le Petit Séminaire Collège, l'école dirigée par M. Hyacinthe, celle de Mde. Lépine et celle de Mde. Durand. Ils ont tous des droits bien fondés à une réelle protection du Gouvernement et à toute la sollicitude bienveillante du Corps Législatif.

### **CULTES.**

Depuis le dernier exposé, où le Gouvernement vous exprimait combien la religion avait obtenu d'heureux résultats, en se répondant avec un zèle remarquable, il a aujourd'hui la satisfaction de vous apprendre que la morale religieuse s'infiltrant de plus en plus dans l'intimité des consciences, s'est développée avec des avantages réels et a produit un bienfait immense parmi nos populations, dont une partie était encore soumise aux erreurs superstitieuses. Sa

protection s'étend avec une égale sollicitude au libre exercice des Cultes reconnus et admis par tous les pays civilisés, et, à ce sujet, il a à se féliciter qu'aucune occasion de trouble ou de désordre ne s'est présentée dans la société.

Les désirs exprimés par les différentes paroisses de la République sont satisfaits en partie. Le Gouvernement a pourvu à tous les vœux, et si, jusqu'ici, son œuvre n'a pas été complète, il lui a été du moins consolant de constater qu'elle a acquis de notables succès, en aplanissant bien des difficultés; ainsi une de ses plus grandes préoccupations a toujours été de concilier les intérêts civils et religieux. La loi sur les fabriques étant d'une nature essentielle pour la marche régulière des affaires ecclésiastiques, il a constamment mis ses meilleurs soins dans l'application et l'exécution bien comprises de cette loi, en marquant la limite des attributions.

Déjà l'année passée, le Gouvernement vous annonçait que sur la demande motivée de Monseigneur l'Archevêque, par suite du développement des besoins religieux de la capitale et conformément à la loi sur les fabriques, le quartier Morne-à-Tuf était érigé en paroisse, sous la désignation de "Sainte Anne;" aujourd'hui, pour des motifs tout aussi importants, il a, de nouveau, par son arrêté du 14 Mars dernier, érigé en paroisse toute la portion située au nord-est de la ville, sous la dénomination de paroisse "St. Joseph," dans la pensée bien intime de satisfaire aux vœux manifestés par les habitants de ce quartier.

La vacance laissée par le décès d'un certain nombre de prêtres, cette année, et les congés accordés, pour cause légitime, à ceux qui n'ont pu continuer leur mission, ont, pendant un instant, privé quelques paroisses des services du clergé; mais ces vides regrettables seront, nous l'espérons, avant longtemps entièrement comblés, grâce au dévouement des prêtres dont le recrutement est confié à l'expérience et à la haute sagesse de Monseigneur l'Archevêque.

Le Gouvernement saisit cette occasion pour vous donner l'assurance que les soins les plus constants sont prodigués aux jeunes boursiers admis à l'internat du Petit Séminaire Collège "St. Martial." Il espère avec confiance que cette institution pourra, dans un avenir prochain, répondre à l'objet essentiel de ses désirs, qui sont de provoquer la vocation au sacerdoce des jeunes gens appelés à compléter leurs études au Grand Séminaire de Paris et destinés à former un clergé national.

Telle a toujours été votre pensée, Messieurs, et tel est le but final que se propose d'atteindre le Gouvernement—but auquel il tient fermement, en accordant à cette institution toutes les marques d'encouragement possibles.

D'après les renseignements qui nous sont parvenus, le Grand Séminaire à Paris dont il est question plus haut continue son œuvre

sous les meilleurs auspices, et les frais alloués à cet établissement produiront, nous n'en doutons pas, de satisfaisants résultats.

Pour parfaire l'organisation religieuse, selon qu'il est stipulé dans le Concordat et sur la demande avec instance des populations du Sud et du Nord, appuyée de celle de Monseigneur l'Archevêque tendant à la création de deux Evêchés, celui des Cayes et celui du Cap-Haitien, le Gouvernement a proposé à la préconisation du Saint Siège deux candidats pour ces éminentes fonctions.

Tel est, Messieurs, le résumé des progrès que nous avons réalisés dans la voie religieuse, progrès dûs aux efforts incessants du Gouvernement et au zèle infatigable de Monseigneur l'Archevêque et de son fidèle clergé.

#### JUSTICE.

Le Gouvernement, en vue des besoins contemporains, avait la pensée, cette année, d'opérer avec le concours des Chambres d'importantes réformes dans les lois civiles et criminelles qui nous régissent, surtout les lois de la procédure; mais de graves préoccupations provoquées pendant ces mois derniers, par des difficultés inopinées survenues dans la politique générale, l'ont absorbé et contrarié l'éclosion de ses desseins. Ce qui est différé n'est pas perdu : espérons que l'an prochain, Messieurs, vous serez saisis de ces différents projets, dont l'élaboration ne peut que profiter de cet ajournement.

Parmi ces lois le Gouvernement se fait le devoir de signaler :

1. Une loi sur l'augmentation du traitement des magistrats, augmentation impérieusement commandée par la situation. 2. Une loi sur le rétablissement de l'ordre des avocats, avec des modifications nouvelles. 3. Enfin, la loi modificative de la loi organique sur les appointements des suppléants de juges de paix, déjà déposée en vos bureaux. En attendant, il éprouve la grande satisfaction de vous annoncer qu'en général la magistrature est à la hauteur de sa mission et qu'elle continue à fonctionner avec le même zèle méritoire.

Cependant, il a le regret de ne pas pouvoir exprimer les mêmes sentiments à l'égard du Tribunal Civil du Port-de-Paix. Ce tribunal offre la triste spectacle de la division de tous ses membres entre eux, et, pour combler la mesure, il y persiste, en dépit des exhortations paternelles du Gouvernement. Lorsque le sanctuaire de la justice se transforme ainsi en un refuge du scandale, assurément ses desservants ne peuvent posséder cette sérénité d'esprit qu'exigent les graves décisions judiciaires.

Puisse cette censure publique rappeler ce tribunal au sentiment du devoir et à l'union !

D'après les rapports faits par les commissaires du Gouvernement près les tribunaux civils de la République, les assises ont eu lieu dans toutes les juridictions.

Parmi les condamnations à différents degrés, on en compte trois à la peine capitale ; et parmi les crimes qui ont été jugés, le vol, dans ses éléments divers, en a été le principal. Il est de fait qu'à cette heure notre jeune société est envahie par le désœuvrement, et, de cet état au vice, la pente glissante ne peut être évitée que par la propagation de l'éducation civile et religieuse, sans excepter l'occupation utile. Il y a lieu de se préoccuper vivement de ce grave sujet, car il est bien certain que la répression la plus sévère du crime n'est pas le plus sûr moyen de l'extirper du corps social.

Les tribunaux de paix font toujours l'objet de la plus grande sollicitude du Gouvernement, et, chaque fois que l'occasion se présente d'en reformer le personnel, il n'hésite pas. Ainsi, plusieurs juges de paix des juridictions de l'Artibonite et du Nord ont mérité d'être remplacés ; d'autres le seront aussi, s'il y a lieu : car le Gouvernement, dans la mesure des moyens dont il dispose, désire que cette institution de la justice de paix atteigne son but. Aussi, au fur et à mesure que le cas se présente, il s'attache à donner la préférence de ces fonctions aux hommes de bonnes mœurs et d'un bon sens doublé de vertu. Enfin le Gouvernement actuel, à qui l'en tiendra compte de ses efforts, serait heureux de voir un jour la Magistrature Haïtienne revêtir tout son prestige par sa science et son honorabilité.

Comme un moyen d'y arriver, la restauration de l'École de Droit sur des bases durables a été une de ses pensées les plus constantes ; malheureusement elle ne peut être encore réalisée.

Espérons, cependant, Messieurs, que cette restauration ne demeurera pas toujours à l'état de projet ; espérons qu'elle s'affirmera à l'ombre de cette paix bienfaitrice vers laquelle se portent nos plus ardentes aspirations.

Malgré les temps, ne nous désespérons donc pas, Messieurs. Toutes les sources de vie ne sont pas desséchées en nous ; nous retrouverons la sécurité, le ressort de notre prospérité. Mais avant tout, conservons la confiance qui sauve ; la défiance tue. Notre société, la dernière parue sur ce globe, a dû, comme ses aînées, subir les lois de la transformation ; et elle est parvenue à l'une de ces époques transitoires si périlleuses quelquefois, lorsque la sagesse, le calme de la modération n'en atténuent les secousses. Ces moments échappent à l'œil du vulgaire, mais non aux esprits clairvoyants. Puissions-nous nous pénétrer de cette vérité et nous acquitter du rôle qui nous a été assigné, de telle sorte que la raison et la conscience nous puissent approuver.

Avec ma très haute considération,

NISSAGE SAGET.

*TREATY of Friendship between Germany and Tonga.—Signed at Nukualofa, November 1, 1876.\**

HIS MAJESTY the German Emperor, King of Prussia, &c., in the name of the German Empire on the one part, and the King of Tonga on the other part, being desirous to maintain and strengthen mutually their relations and interests, have resolved to conclude a Treaty of Friendship. For this purpose they have named as their Plenipotentiaries, that is to say :

His Majesty the German Emperor, King of Prussia, &c., the Captain (zur See) Ernst Wilhelm Heinrich Hugo Eduard Knorr, commanding His Majesty's ship *Hertha*, Knight of the Iron Cross of the second class, and of the Order of the Red Eagle of the fourth class, and Theodor August Ludwig Weber, Esq., His Imperial Majesty's Consul for Tonga and Samoa; and,

His Majesty the King of Tonga, Uiliami Tugi, President of the Legislative Assembly of Tonga, and the Rev. Shirley Waldemar Baker, Wesleyan Minister, as interpreter;

Who after communicating to each other their full powers, have agreed upon the following Articles:—

ART. I. There shall be peace and perpetual friendship between the States of the German Empire on the one part and Tonga on the other part, also between their respective rulers and people, without distinction of persons and places.

II. The subjects of both Contracting Parties shall have in both countries the most perfect and perpetual protection for their persons and property. They shall enjoy in this respect the same rights and privileges as native subjects.

Tongans in Germany and Germans in Tonga shall be exempted from all political offices and military services, by land or water, and from all similar corresponding services; also from all war contributions, forced loans, military requisitions or services, of whatsoever kind they may be. Furthermore, they shall not in any case be subject in regard to their movable and immovable property to any other charges, taxes, or assessments than those which are demanded from native subjects, or from subjects of the most favoured nations.

III. The Tongans who reside or sojourn in Germany, and the Germans who reside or sojourn in Tonga, shall enjoy perfect liberty of conscience and religious worship, and the respective Governments shall not allow them to be molested, or annoyed, or disturbed on account of their religious faith, or on account of the celebration of divine service in private houses, chapels, churches, or other places

\* Signed also in the German language.



used for the purpose of divine service, always observing the religious propriety and due respect of the laws, manners, and customs of the country.

The subjects of both countries shall also have the privilege of burying their countrymen, who may die in Germany or Tonga, in suitable and convenient places which they may establish and maintain for that purpose with the consent of the local authorities; and in no case shall their burial services, in accordance with their religious customs, be disturbed, nor the graves be damaged or destroyed.

IV. There shall be reciprocal full freedom of commerce between all the dominions of the German States and all the dominions of Tonga. The subjects of the two High Contracting Parties may enter with their vessels and cargoes into all places, ports, and waters of Germany and Tonga with all safety. The Tongans in Germany and the Germans in Tonga shall enjoy in this respect the same liberty and security as native subjects.

V. There shall also be reciprocal liberty for the ships of war of the two High Contracting Parties to enter into all places, ports, and waters within the dominions of either party, to anchor there and to remain, take in stores, refit and repair, subject to the laws and regulations of the country.

In order to facilitate the accomplishment of these objects in his dominions, and especially to aid in the establishment of a coaling station in his dominions, the King of Tonga grants (respectively leases—"no fonua") the German Government all rights of free use of the necessary ground at a suitable appropriate place in the Vavau group; but always without prejudice to the rights of sovereignty of the King of Tonga.

VI. The subjects of each of the two High Contracting Parties may with full liberty reciprocally proceed to any and every part of their respective territories, and may reside there or undertake voyages and journeys, carry on commerce wholesale or retail, and fix the prices for merchandize and produce or other articles of any kind, whether imported by them or intended for export. Further particulars with regard to their mutual relations of commerce being reserved for a special Treaty of Commerce and Navigation.

They may, furthermore, rent land and grounds, and use and cultivate them with full liberty; they may erect houses, warehouses, and stores as they may desire on such rented land or grounds; and also buy, rent, and occupy such houses, warehouses, and stores.

In all these cases the subjects of both States have to observe the laws and regulations of the country; but in no case shall they be subjected to any other general or local contributions, assessments, or obligations of whatever kind they may be, but those which are

imposed upon the native subjects; and any taxes, dues, charges, and other obligations which may be enacted by the laws of the country with reference to any Government deeds of leases of lands or grounds, besides the rent agreed upon, shall have effect only with regard to the ordinary poll taxes, licences, and road repairs; whilst any other respective extraordinary charges or assessments are reserved for an especial agreement between the High Contracting Parties.

VII. Inasmuch as a separate Treaty, or respective arrangements, as mentioned in the preceding Article, have been reserved with the view of further strengthening and promoting the mutual relations of the High Contracting Parties, it is also reserved for the same object hereafter to regulate, as deemed necessary, the legal and civil (marriages, &c.) position of the subjects of each State, and of those who share their protection, during their stay in the dominions of the other party; and also the rights, competences, and obligations of mutual Consular representation by the conclusion of a separate Consular Treaty between the two High Contracting Parties.

VIII. Each of the two High Contracting Parties hereby agrees not to grant in his dominions any monopolies, indemnities, or real privileges to the disadvantage of the commerce, the flag, or the subjects of the other nation.

IX. The two High Contracting Parties agree to grant each other reciprocally, with reference to the preceding Articles, as many rights and privileges as may be granted in future to the most favoured nations.

X. The present Treaty shall come into force and become valid from the day of the signing the same; reserving that the same become invalid in case its ratification on the part of the German Government shall not take place within the space of one year from the date of its execution.

XI. The present Treaty, consisting of eleven Articles, shall be ratified, and the ratifications be exchanged at Nukualofa, within the space of twelve months.

In witness whereof the Plenipotentiaries have signed the present Treaty, and sealed the same respectively with their seals.

Done at the Harbour of Nukualofa in Tonga Tabu, on board His Imperial German Majesty's ship *Hortha*.

E. KNORR.

TH. WEBER.

UILLIAM TUGI.

SHIRLEY W. BAKER.

*ACT of the British Parliament, respecting the Nationality of  
Children born abroad of British Parents.*

[4 Geo. II, cap. 21.]

[1731.\*]

AN ACT to explain a Clause in an Act made in the 7th Year of the Reign of Her late Majesty Queen Anne, for Naturalizing Foreign Protestants, which relates to the Children of the Natural-born Subjects of the Crown of England or of Great Britain.

WHEREAS by an Act of Parliament made in the 7th year of the reign of Her late Majesty Queen Anne, intituled "An Act for Naturalizing of Foreign Protestants," it is, amongst other things, enacted, that the children of all natural-born subjects, born out of the ligeance of Her said late Majesty, her heirs and successors, should be deemed, adjudged, and taken to be natural-born subjects of this kingdom to all intents, constructions, and purposes whatsoever:

And whereas in the 10th year of Her said late Majesty's reign another Act was made and passed to repeal the said Act (except what related to the children of Her Majesty's natural-born subjects, born out of Her Majesty's allegiance):

And whereas some doubts have arisen upon the construction of the said recited clause in the said Act of the 7th year of Her late Majesty's reign:

Now for the explaining the said recited clause in the said Act, relating to children of natural-born subjects, and to prevent any disputes touching the true intent and meaning thereof, may it please your Most Excellent Majesty that it may be declared and enacted, and be it declared and enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and the Commons, in this present Parliament assembled, and by the authority of the same, that all children born out of the ligeance of the Crown of England or of Great Britain, or which shall hereafter be born out of such ligeance, whose fathers were or shall be natural-born subjects of the Crown of England or of Great Britain, at the time of the birth of such children respectively, shall and may, by virtue of the said recited clause in the said Act of the 7th year of the reign of Her said late Majesty, and of this present Act, be adjudged and taken to be, and all such children are hereby declared to be natural-born subjects of the Crown of Great Britain, to all intents, constructions, and purposes whatsoever.

II. Provided always, and be it further enacted and declared by the authority aforesaid, that nothing in the said recited Act of the 7th year of Her said late Majesty's reign, or in this present Act contained, did, doth, or shall extend, or ought to be construed, adjudged,

\* In force, 1882.

or taken to extend, to make any children born or to be born out of the ligeance of the Crown of England, or of the Crown of Great Britain, to be natural-born subjects of the Crown of England, or of Great Britain, whose fathers at the time of the birth of such children respectively were or shall be attainted of high treason, by judgment, outlawry, or otherwise, either in this kingdom or in Ireland, or whose fathers at the time of the birth of such children respectively, by any law or laws made in this kingdom or in Ireland, were or shall be liable to the penalties of high treason or felony, in case of their returning into this kingdom or into Ireland without the licence of His Majesty, his heirs or successors, or of any of His Majesty's Royal predecessors, or whose fathers at the time of the birth of such children respectively were or shall be in the actual service of any foreign Prince or State then in enmity with the Crown of England or of Great Britain; but that all such children are, were, and shall be and remain in the same state, plight and condition, to all intents, constructions, and purposes whatsoever, as they would have been in if the said Act of the 7th year of Her said late Majesty's reign, or this present Act, had never been made; anything herein, or in the said Act of the 7th year of Her said late Majesty's reign, contained to the contrary in any wise notwithstanding.

III. Provided always, and be it further enacted by the authority aforesaid, that if any child, whose father at the time of the birth of such child was attainted of high treason as aforesaid, or was liable to the penalties of high treason or felony, in case of returning into this kingdom or Ireland without licence as aforesaid, or was in the actual service of any foreign Prince or State then in enmity with the Crown of England or of Great Britain (other than and excepting always out of this proviso all children of such persons who went out of Ireland in pursuance of the Articles of Limerick), hath come into Great Britain or Ireland, or any other of the dominions belonging to the Crown of Great Britain, and hath continued to reside within Great Britain or Ireland, or other the dominions aforesaid, for the space of two years, at any time between the 16th day of November, in the year of Our Lord 1708, and the 25th day of March, in the year of Our Lord 1731, and during such residence hath professed the Protestant religion; or if any child, whose father at the time of his or her birth was within any of the descriptions before mentioned, hath come into Great Britain or Ireland, or any other of the dominions belonging to the Crown of Great Britain, and professed the Protestant religion, and died within Great Britain or Ireland, or any other of the dominions aforesaid, at any time between the said 16th day of November, in the year of Our Lord 1708, and the said 25th day of March, in the year of Our Lord 1731; or if any child, whose father at the time of his or her birth was within any of the descrip-

tions before mentioned, hath been and continued in the actual possession or receipt of the rents and profits of any lands, tenements, or hereditaments in Great Britain or Ireland, for the space of one whole year, at any time between the said 16th day of November, in the year of Our Lord 1708, and the said 25th day of March, in the year of Our Lord 1781, or hath *bond fide*, and for good and valuable consideration, sold, conveyed, or settled any lands, tenements, or hereditaments in Great Britain or Ireland, and any person claiming title thereto, under such sale, conveyance, or settlement, hath been and continued in the actual possession or receipt of the rents and profits thereof for the space of six months, between the said 16th day of November, in the year of Our Lord 1708, and the said 25th day of March, in the year of Our Lord 1781, every such child shall be deemed, adjudged, and taken to be and to have been a natural-born subject of the Crown of England, or of the Crown of Great Britain, to all intents, constructions, and purposes whatsoever, any thing herein contained to the contrary thereof in any wise notwithstanding.

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*ACT of the British Parliament, respecting the Nationality of  
Children of Children born abroad of British Parents.*

[18 Geo. III, cap. 21.]

[1773.\*]

AN ACT to extend the Provisions of an Act, made in the 4th Year of the Reign of His late Majesty King George II, intituled "An Act to explain a Clause in an Act, made in the 7th Year of the Reign of Her late Majesty Queen Anne, for Naturalizing Foreign Protestants, which relates to the Children of the Natural-born Subjects of the Crown of England, or of Great Britain,"† to the Children of such Children.

WHEREAS divers natural-born subjects of Great Britain, who profess and exercise the Protestant religion through various lawful causes, especially for the better carrying on of commerce, have been, and are, obliged to reside in several trading cities, and other foreign places, where they have contracted marriages, and brought up families :

And whereas it is equally just and expedient that the kingdom should not be deprived of such subjects nor lose the benefit of the wealth that they have acquired ; and therefore that not only the children of such natural-born subjects, but their children also, should continue under the allegiance of His Majesty, and be intituled to come into this kingdom, and to bring hither and realize, or otherwise employ their capital ; but no provision hath hitherto been made to

\* In force, 1882.

† Page 170.

extend farther than to the children born out of the ligeance of His Majesty, whose fathers were natural-born subjects of the Crown of England, or of Great Britain :

May it therefore please your Most Excellent Majesty that it may be enacted, and be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that all persons born, or who hereafter shall be born, out of the ligeance of the Crown of England, or of Great Britain, whose fathers were or shall be, by virtue of a statute made in the 4th year of King George II, to explain a clause in an Act made in the 7th year of the reign of Her Majesty Queen Anne, for naturalizing foreign Protestants, which relates to the natural-born subjects of the Crown of England, or of Great Britain, intituled to all the rights and privileges of natural-born subjects of the Crown of England, or of Great Britain, shall and may be adjudged and taken to be and are hereby declared and enacted to be natural-born subjects of the Crown of Great Britain, to all intents, constructions, and purposes whatsoever, as if he and they had been and were born in this kingdom; anything contained in an Act of the 12th year of the reign of King William III, intituled "An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subjects," to the contrary in anywise notwithstanding.

Provided always, and be it enacted and declared by the authority aforesaid, that nothing in this present Act contained shall extend, or be construed, adjudged, or taken to extend, to make any persons born, or to be born, out of the ligeance of the Crown of England, or of the Crown of Great Britain, to be natural-born subjects of the Crown of Great Britain, contrary to all or any of the provisoes, exceptions, limitations, and restrictions contained in the aforesaid Act, made in the 4th year of the reign of His said late Majesty, or to repeal, abridge, or alter the same; but all such clauses shall be, and remain in the same state, plight, and condition, to all intents, constructions, and purposes whatsoever, as they would have been if this present Act had never been made.

Provided also, and be it further enacted by the authority aforesaid, that nothing in this present Act contained shall extend, or be construed, adjudged, or taken to repeal, abridge, or any ways alter, an Act made in the 5th year of the reign of His late Majesty King George I, intituled "An Act to prevent the Inconveniencies arising from seducing Artificers in the Manufactures of Great Britain into Foreign Parts;" nor to repeal, abridge, or any ways alter any law, statute, custom, or usage whatsoever, now in force, concerning aliens, duties, customs, and impositions, nor to cause any

privilege, exemption, or abatement relating thereto, in favour of any person naturalised by virtue of this Act, unless such person shall come into this realm, and there inhabit and reside, and shall take and subscribe the oaths, and make, repeat, and subscribe the declaration appointed by an Act, made in the 1st year of the reign of His late Majesty King George I, intituled "An Act for the further Security of His Majesty's Person and Government, and the Succession of the Crown in the Heirs of the late Princess Sophia, being Protestants, and for extinguishing the Hopes of the pretended Prince of Wales, and his open and secret Abettors," in such manner and form, and at such place and places, as are in and by the said Act directed, and also receive the Sacrament of the Lord's Supper, according to the usage of the Church of England, or in some Protestant or reformed congregation within this Kingdom of Great Britain, within three months before their taking the oaths in the said Act mentioned; and shall, at the time and place of taking and subscribing the said oaths, and of the making, repeating, and subscribing the said declaration, produce a certificate signed by the person administering the said Sacrament, and attested by two credible witnesses, whereof an entry shall be made of record in the Court and Courts respectively wherein such oaths shall have been taken and subscribed without any fee or reward.

Provided always, and be it further enacted by the authority aforesaid, that no person shall be enabled hereby to defeat any estate, right, or interest, which upon the last day of this session shall be lawfully vested in any other person, or to claim or demand any estate or interest which shall hereafter accrue, unless such claim or demand be made within five years next after the same shall accrue.

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**PROTOCOL OF CONFERENCE** *between Russia and China,*  
*defining the Boundary between the Two Countries.—Signed*  
*at Tchuguchak, <sup>September 28,</sup> 1864.\**  
*October 7,*

(Translation.)

IVAN ZAKHAROFF, State Councillor, Knight, and Consul-General in Kuldja; and

Ivan Babkoff, Colonel, Knight, and Chief Quartermaster of the detached Siberian Army Corps, Commissaries of the Great Russian Empire appointed for the delimitation of the frontier; and

Min-i, Commander of the Left Wing, Tzian-Tziun of Ulusutai, and ranking as Commander of a Chinese Army Corps bearing a red banner with a border;

\* Referred to in Treaty between Russia and China of February 13, 1881.

Silin, Hobei-Amban of Tarbagatai, and ranking as Assistant Commander of an Army Corps; and

Bolgosu, Brigade Commander of Tarbagatai, having the rank of Assistant Commander of an Army Corps and the title of Baturu, all three of the great Daitsin Empire, and appointed by Supreme Order for determining the North-Western Frontier.

In fulfilment of the Treaty of Peking,\* and with the view of strengthening the good relations existing between the two Empires, it was by mutual accord determined in the town of Tarbagatai with respect to the delimitation of the country subject to partition between the two countries, and commencing from Shabin-dabaha to the Tsun-lin range bordering on Kokan territory, to mark the line of frontier along the ridges of mountains, large rivers, and existing Chinese pickets, and having constructed a map of the country adjoining the frontier to indicate on it by a red line the boundary between the two Empires. Wherefore they have drawn up the present Protocol, in which they have set forth the names of the places defining the line of frontier determined at the present Conference, and adopted the rules for defining such frontier, which are embodied in the following Articles:—

ART. 1. Commencing from the boundary mark of Shabin-dabaha the frontier will first run westwards, then southwards along the Sayan ridge; on reaching the western extremity of the Tannu-ola range, it will turn to the south-west, following the Sailingem range, and from the Kuitun mountains it will run westward along the great Altai range. On reaching the mountains situated between the two Kalguty rivers (Kaliutu in Chinese), which flow north of Tzaisan-nor lake, the frontier will turn to the south-west, and following along the above mountains will extend to Tehakilmee mountain, on the north shore of Tzaisan-nor mountains. From hence, making a turn to the south-east, the frontier is to extend along the shore of Tzaisan-nor lake, and along the Black-Irtysk river to Manitu-gatul Khan picket.

Along this whole extent the watershed is to be adopted as the basis for defining the frontier between the two Empires, in such a manner that all the country along which rivers flow to the eastward and southward is to be apportioned to China, and all the country through which rivers flow to the west and north shall be allotted to Russia.

2. From the picket of Manitu-gatul Khan, in a south-easterly direction, the line of frontier is to abut on the Sauri mountains (Sairi-ola in Chinese); beyond this it will first trend to the south-west, and then west along the Tarbagatai range. On reaching the Khabar-asu pass (Hamar-dabekhan in Chinese) it will turn to the

\* November 2, 1860. Vol. LIII. Page 970.



south-west and, proceeding along the picket road, the frontier will extend along the pickets Kumurchi, Karabulak, Boktu, Veitan-tszi (Kok-tuma in Russian), Manitu, Sara-bulak, Chelan-togoi, Ergetu, Barluk, Modo-barluk. From hence the frontier is to extend along the valley between the Barluk and Alataù ranges, and beyond, between the Aruzindalan and Kabtagai pickets, the line is to be drawn along the most elevated point of this valley, abutting on the eastern extremity of the Altan-Tebshi mountains. The watershed is to be taken as a basis for the line of demarcation between the two Empires along this whole extent of country, and in such a manner that all country along which waters flowing eastward and southward is to be assigned to China, and all country with waters flowing westward is to be allotted to Russia.

3. From the western extremity of the Altan-Tebshi mountains the frontier is to run westward along the great range of mountains known under the general name of the Alataù range, namely, along the summits of the Altan-Tebshi, So-Daba, Kuké-tom, Khan-Karchagai, and others. Along this extent all the country through which rivers flow northward is to become Russian territory, and all the country having rivers flowing southward is to be allotted to China.

On reaching the Kongor-obo mountains, which serve as the watershed of the rivers Sarbaktu flowing eastwards the Kok-su (the Kuké-olom of the Chinese) flowing westward, and the Kuitun (the Ussek of the Russians) flowing southward, the boundary is to deflect to the south.

Along this extent all the country through which rivers such as the Kok-su and others flow to the westward is to be assigned to Russia, and all the country along which rivers such as the Sarbaktu and others flow to the eastward is to become Chinese territory.

From hence, proceeding along the summits of the Koitas mountains, situated west of the Kuitun river, and reaching the point at which the river Turgen flowing southward issues out of the mountains, the boundary is to extend along the Turgen river, and through the Borohudzir, Kuitun, Tsitsikhan, Horgos pickets, and be carried to the Ili-buraitsikin picket. Here, crossing the Ili river, the line of boundary is to run southward to the Tchun-tszi picket; from thence, turning to the south-east, the boundary shall be extended to the source of the Temurlik river. Thence deflecting to the eastward, the line of frontier shall proceed along the summits of the Temurlik range, otherwise known under the name of the Nan-Shan range, and skirting the camping-grounds of the Khirghizes and Buruts (Dikkokamenni Khirghizes), the boundary shall turn in a south-westerly direction at the source of the Kegen river (the Geken of the Chinese).

Along this extent all the country through which rivers run westward of the Kegen and other rivers shall belong to Russia, while all the country through which run rivers east of Undu-bulak and other rivers shall be allotted to China.

Further, proceeding to the south-west, the boundary shall run along the summits of the Karatau mountains, and reaching the Birin-bash mountains (Bir-basha of the Chinese), the line of frontier shall extend along the River Daratu, flowing southwards towards the Tekes river. The boundary, after crossing the Tekes river, shall extend along the Naryn-Nalga river and then abut on the Tian-Shan range. From hence, proceeding in a south-westerly direction, the frontier shall run along the summits of the Khan-Tengere, Sarabtsai, Kukustluk (Gunguluk of the Chinese), Kakshal (Kakshan of the Chinese), and other mountains, situated to the southward of Temurtunor lake, and known under the general name of the Tian-Shan range, separating Turkestan from the camping-grounds of the Buruts; and the boundary shall then abut on the Tsun-lin range which extends along the Kokandian frontier.

4. At points occurring along ridges of mountains, large rivers, and permanent picket stations, which after the present boundary delimitation shall have become Russian territory, and which are consequently situated on this side of the boundary line, there formerly existed Chinese pickets, as in the Ulusutai and Kobdo districts, on the northern side of the great Altai and other ranges; Ukek and other pickets in the Tarbagatai district on the northern side of the Tarbagatai range; Olon-bulak and other pickets, on the northern side of the Alatan range; Aru-Taindallan and other pickets in the Ili district; Konur-Olen (Kongoro-olon of the Chinese) and other pickets. Until the boundary marks shall have been placed, the Chinese authorities may, as formerly, send their soldiers to these points for frontier service. With the arrival next year of the Commissioners from both sides for placing the boundary marks, the above-mentioned pickets must be removed to the Chinese side of the boundary in the course of one month, counting from the time of placing the boundary mark at that point from which the picket must be withdrawn.

5. The present delimitation of the boundary has been undertaken with a view of consolidating permanently friendly relations between the two Empires; consequently, in order to avoid disputes respecting the inhabitants of the conterminous zone, it is hereby determined to adopt as a basis the day of exchange of this Protocol, i.e., wherever such inhabitants may be seated at that time, there they are peaceably to abide and to remain in enjoyment of the means of existence assigned to them, and to whichever Empire the camping-grounds of these inhabitants may have passed, to such Empire shall

such inhabitants and their land belong, and by such Empire shall they be governed. And if, after this, any of them shall remove from their previous place of residence and cross the border, such people shall be sent back, and thus all confusion and uncertainty on the boundary terminated.

6. On the expiration of 240 days after the exchange of this Protocol respecting the boundary now defined, the Commissioners of both sides shall for the purpose of placing the boundary marks meet at appointed places, viz., from the Russian side the Commissioners shall assemble at a place situated between Aru-tsindallan and Kaptagai localities and here divide into two parties, one of which, together with the Commissioners from the Ili district, shall, for the purpose of placing the boundary marks, proceed to the south-west along the line of frontier now fixed, and place such marks. The other party, together with the Commissioners from the Tarbagatai district, shall proceed to the north-east, along the line of boundary now determined, and place the boundary marks.

To the Manitu-Gatul Khan picket shall proceed the Commissioner from the Kobdo district for the purpose of placing the boundary marks, and he shall, conjointly with the Russians, place such marks along the boundary line now fixed; to the Sogok picket shall proceed the Commissioner empowered by the Ulusutai district to place the boundary marks, and he shall conjointly with the Russians, place such boundary marks along the line of frontier as far as the Shabin-dabaha picket.

For placing the marks the following rule shall be observed: where the boundary runs along high mountains, the summits of the mountains are there to be taken as the boundary line; and where it runs along large rivers, there the banks of the rivers are to serve as the line of frontier; at places where the boundary runs across mountains and rivers, new boundary marks are to be placed at all such places. In general, along the whole frontier the direction of the course of waters is to be taken into consideration when placing the boundary marks, and these marks are to be erected according to the nature of the locality. If, for instance, there is no pass through the mountains and consequently the placing of boundary marks would at such points be attended with difficulty, then the range of mountains and the course of flowing waters must be taken as the basis for the boundary line. In placing the marks in a valley, 30 fathoms (20 Chinese fathoms) must be left as intermediate ground.

All products of mountains and rivers to the left of the erected boundary marks shall belong to China, and all products of mountains and rivers on the right side of the boundary marks shall belong to Russia.

7. After the boundary marks shall have been placed the Commissioners appointed by both sides for the erection of such marks must, in the following year, draw up a memorandum of the number of boundary marks erected by them, and specify the names of the localities where the marks have been placed by them, and they shall exchange such memoranda.

8. After the boundary marks shall have been erected by them along the whole line of frontier now determined between the two Empires, should it anywhere appear that the source of a river is situated within Chinese territory, and its course run within the confines of the Russian Empire, in such case the Chinese Empire must not alter the former bed of the river nor dam its course; and so conversely, should the source of a river be situated in Russian territory, and its course run within Chinese limits, the Russian Empire must not alter its former bed or dam its course.

9. Hitherto the Amban rulers of Urga have alone been in communication with the Governor of Kiakhta on public matters, and the Tzian-Tziun of Ili and the Hobei-Amban of Tarbagatai have similarly had relations with the Governor-General of Western Siberia. Now, with the establishment of the present frontier, should any matter arise within the Ulusutai and Kobdo districts necessitating mutual relations, the Tzian-Tziun of Ulusutai and the Hobei-Amban of Kobdo shall in such case enter into communication with the Governor of the Province of Tomsk and with the Governor of the Semipalatinsk region. The correspondence between them may be conducted either in the Manchjurian or Mongolian tongue.

10. Prior to this, some inhabitants of Tarbagatai had established farms and ploughed up land in five places in the Tarbagatai district, west of Baktu picket, on the river Siao-Shui, and had paid rent for the same to the Government. With the establishment of the present boundary the above localities have become Russian territory; the immediate removal of the above-mentioned agriculturists would, however, be attended with hardship to them. A period, therefore, of ten years shall be allowed them, counting from the time of erection of the boundary marks, and during this term they shall be gradually transferred to the interior parts of China.

In this manner the Commissioners imperially appointed on both sides for the delimitation of the boundary have at their present meeting determined by mutual accord the boundary line, have prepared in quadruplicate a map of the whole frontier as now fixed, and inscribed on this map in the Russian and Manchjurian languages the names of the places situated on the boundary, and have affixed their seals and signatures to such maps. They have likewise drawn up this Protocol in the Russian and Manchjurian

languages, and having prepared four copies in each language, they, the Boundary Delimitation Commissioners of both sides, have attested these documents by affixing their seals and signatures thereto.

When mutually exchanging these documents the Commissioners of both Empires shall retain a copy of the map and a copy of the Protocol for their guidance; the remaining two copies of the map, and two copies of the Protocol, the Commissioners of both Empires shall present to their respective Ministries of Foreign Affairs for embodiment in the Treaty of Pekin and in supplement thereto.

For this purpose they have made a mutual exchange of this Protocol on the 25th day of September, in the year of Our Lord 1864; of the Daitsin Empire, in the reign of Joninga-Dasan, the third year, ninth moon, seventh day.

(L.S.) ZAKHAROFF, *Commissioner, Consul-General in Kuldja, and State Councillor.*

(L.S.) IVAN BABKOFF, *Commissioner, Head Quartermaster of the Detached Siberian Army Corps, and Colonel of the Staff.*

On the original Manchjur copy are the following signatures:—

MIN-I, *the Tzian-Tziun.*

SILIN, *the Hobei-Amban.*

BOLGOSU, *the Meyen and Amban.*

*Commissioners of the Daitsin Empire for the Delimitation of the North-Western Boundary.*

*TREATY of Commerce and Navigation between Greece and Spain.—Signed at Paris, August  $\frac{9}{11}$ , 1875.*

[Ratifications exchanged at Paris, August 17, 1878.]

Sa Majesté le Roi des Hellènes et Sa Majesté le Roi d'Espagne, également animés du désir de resserrer les liens d'amitié qui heureusement unissent les deux nations, et de développer leurs bonnes relations de commerce et de navigation, ont résolu de conclure à cet effet un Traité, et ont nommé pour leurs Plénipotentiaires respectifs :

Sa Majesté le Roi des Hellènes, M. Nicolas P. Délyanui, Chevalier de l'Ordre Royal du Sauveur, Commandeur de l'Ordre d'Isabelle la Catholique d'Espagne, décoré de la troisième classe, des Ordres du Médjidié de Turquie, de Sainte Anne de Russie,

de la Couronne de Fer d'Autriche, Chevalier de l'Ordre de Léopold de Belgique, Chargé d'Affaires de Grèce à Paris, &c. ;

Sa Majesté le Roi d'Espagne, Don Mariano Roca de Iogores, Marquis de Molins, Vicomte de Rocamora, Grand d'Espagne de première classe, Chevalier de l'Ordre Insigne de la Toison d'Or, Grand-Croix de la Légion d'Honneur, Président de l'Académie, Son Ambassadeur Extraordinaire et Plénipotentiaire à Paris, &c. ;

Lesquels, ayant échangé leurs pleins pouvoirs respectifs, trouvés en bonne et due forme, sont convenus des Articles suivants :—

**ART. I.** Il y aura liberté réciproque de commerce et de navigation entre les sujets de Sa Majesté le Roi des Hellènes et de Sa Majesté le Roi d'Espagne.

Les Hellènes en Espagne et les Espagnols en Grèce auront le droit de posséder des biens de toute espèce et d'en disposer de la même manière que les nationaux par testament, donation ou autrement. Ils jouiront, relativement à l'exercice du commerce et des industries, des mêmes droits que les nationaux, et ne seront soumis à aucune imposition autre ou plus élevée que ceux-ci.

Ils seront exempts de toute charge ou emploi municipal et de tout service personnel, soit dans les armées de terre ou de mer, soit dans la garde ou milice nationale, ainsi que de toutes réquisitions ou services spéciaux de la milice et de toute contribution extraordinaire de guerre ou emprunt forcé, en tant que ces contributions et emprunts ne seront pas imposés sur la propriété foncière.

**II.** Seront considérés comme Helléniques en Espagne et dans ses provinces d'outremer, et comme Espagnols en Grèce, les navires qui navigueront sous les pavillons respectifs et qui seront porteurs de papiers de bord et des documents exigés par les lois de chacun des deux États pour la justification de la nationalité des bâtiments de commerce.

**III.** Les navires Helléniques en Espagne et ses provinces d'outremer, et les navires Espagnols en Grèce, seront assimilés aux nationaux pour tout ce qui se rapporte aux droits de port et de navigation.

En tout ce qui a rapport à la police des ports, au chargement ou déchargement des navires, à la sûreté des marchandises, objets de trafic, biens et effets quelconques, les sujets des deux Hautes Parties Contractantes seront mutuellement soumis aux lois et règlements de police locaux à l'égal des nationaux.

**IV.** Les objets de toute nature importés dans les ports Helléniques sous pavillon Espagnol et dans les ports d'Espagne sous pavillon Hellénique, quel que soit leur origine et de quelque pays qu'ait lieu l'importation, n'acquitteront d'autres ni de plus forts droits que s'ils étaient importés sous pavillon national.

Quant aux provinces d'outremer d'Espagne les marchandises

importées sous pavillon Hellénique jouiront du traitement de la nation la plus favorisée.

V. Les navires Helléniques entrant dans un port d'Espagne ou de ses provinces d'outremer, et réciproquement les navires Espagnols entrant dans un port de la Grèce, et qui n'y viendraient débarquer qu'une partie de leur cargaison, pourront, en se conformant toutefois aux lois et règlements des États respectifs, conserver à bord la partie de la cargaison qui serait destinée à un autre port, soit du même pays, soit d'un autre, et la réexporter, sans être astreint à payer pour cette dernière partie de leur cargaison aucun droit de douane, sauf ceux de surveillance, lesquels d'ailleurs ne pourront mutuellement être perçus qu'au taux fixé pour la navigation nationale.

Les navires de l'un des deux pays ne pourront pas faire le cabotage dans les ports de l'autre.

VI. Les produits bruts ou manufacturés des États de chacune des Hautes Parties Contractantes dont l'importation soit légalement permise dans les États de l'autre ne seront pas assujettis à des droits plus élevés ou autres, quel que soit leur dénomination, que ceux auxquels sont ou seront assujettis les produits du même genre provenant d'un autre pays, sauf les cas où, dans l'un ou l'autre État, les droits sur les productions brutes et manufacturées d'un autre pays viendraient à être diminués en échange d'une diminution des droits analogues. Dans ce cas l'autre Gouvernement ne pourra demander la même diminution des droits qu'en offrant une compensation analogue.

Les marchandises de toute nature venant de l'un des deux États, ou y allant, seront réciproquement exemptes de tout droit de transit.

VII. En ce qui concerne la propriété des marques de fabrique, des marques ou étiquettes des marchandises et des dessins et modèles industriels, les sujets de chacune des Hautes Parties Contractantes jouiront dans les États de l'autre des mêmes droits que les nationaux, en se conformant aux règlements en vigueur.

VIII. Les Hautes Parties Contractantes conviennent de ne pas recevoir de pirates dans aucun des ports, baies ou ancrages de leurs États, et d'appliquer l'entière rigueur des lois contre toutes personnes connues pour être pirates et contre tous individus résidants dans leurs États qui seraient convaincus de connivance ou complicité avec elles. Tous les navires et cargaisons appartenant à des sujets des Hautes Parties Contractantes, que les pirates prendraient ou conduiraient dans les ports de l'une ou de l'autre, seront restitués à leurs propriétaires ou à leurs fondés de pouvoir dûment autorisés, s'ils prouvent l'identité de la propriété; et la restitution aura lieu même lorsque l'article réclamé serait entre les mains d'un

tiers, pourvu qu'il soit prouvé que l'acquéreur savait ou pouvait savoir que le dit article provenait de piraterie.

IX. Chacune des Hautes Parties Contractantes consent à admettre des Consuls-Généraux, Consuls, Vice-Consuls, et Agents Consulaires dans tous ses ports, villes, et possessions, excepté dans les localités où elle ne les admettra pas d'aucune autre Puissance.

Ils jouiront réciproquement dans les États de l'autre partie de tous les privilèges, exemptions, et immunités dont jouissent les Agents de la même qualité de la nation la plus favorisée.

Il est toutefois bien entendu que les deux Gouvernements se réservent la faculté de refuser leur exequatur en cas d'objection contre la personne nommée à ces fonctions.

Tant que l'exequatur n'aura pas été formellement retiré à un fonctionnaire Consulaire, sujet de l'État qui l'ait nommé, il ne sera point exercé de contrainte par corps contre lui, et il ne pourra être arrêté qu'en cas de crime qualifié et puni comme tel par la législation locale.

Si les Consuls-Généraux, Consuls, Vice-Consuls, et Agents Consulaires voulaient exercer le commerce, ils seront tenus de se soumettre aux mêmes lois et usages auxquels sont soumis dans le même lieu, par rapport à leurs transactions commerciales, les particuliers de leur nation et les sujets des États les plus favorisés.

X. Les archives Consulaires seront inviolables, et les autorités locales ne pourront visiter ni saisir les papiers qui en font partie. Ces papiers devront toujours être complètement séparés des livres et papiers relatifs au commerce ou à l'industrie que pourraient exercer les Consuls ou Vice-Consuls respectifs.

XI. Les Consuls-Généraux, Consuls, Vice-Consuls, et Agents Consulaires respectifs seront exclusivement chargés du maintien de l'ordre intérieur à bord des navires de commerce de leur nation, et connaîtront seuls de tous les différends qui se seront élevés en mer ou s'élèveront dans le port entre les capitaines, les officiers, et les hommes de l'équipage.

Les autorités locales ne pourront intervenir que lorsque les désordres survenus à bord seraient de nature à troubler l'ordre public à terre ou dans le port, ou lorsqu'une personne du pays, en ne faisant pas partie du rôle de l'équipage, s'y trouverait mêlée.

Les dits Agents du Service Consulaire pourront faciliter aux capitaines des bâtiments de leurs nations l'expédition de leurs navires, et les accompagner devant les tribunaux de justice, en tant que cela est permis par la législation du pays, et dans les bureaux de l'administration du pays pour leur servir d'interprètes et d'agents dans les affaires qu'ils auront à suivre, ou dans les demandes qu'ils auront à intenter.

Les fonctionnaires de l'ordre judiciaire et les gardes et officiers



de la Douane ne pourront opérer, ni visiter, ni rechercher à bord des navires, sans en donner avis préalable au Consul ou Vice-Consul de la nation à laquelle ces navires appartiennent, afin qu'ils puissent les accompagner.

Ils devront également donner avis aux Agents Consulaires, pour qu'ils puissent aussi assister aux déclarations que les capitaines et les équipages de leurs nations auront à faire devant les tribunaux et dans les administrations locales. Si les Agents Consulaires négligeaient de se rendre en personne ou dans la personne d'un délégué à l'heure indiquée dans la citation, il sera procédé en leur absence.

XII. Les Consuls-Généraux, Consuls, Vice-Consuls et Agents Consulaires auront le droit de s'adresser aux autorités administratives et judiciaires des nations respectives dans toute l'étendue de leur arrondissement Consulaire, pour réclamer contre toute infraction aux Traités ou Conventions existant entre l'Espagne et la Grèce, et pour protéger les droits et les intérêts de leurs nationaux. S'il n'était pas fait droit à leur réclamation les dits agents, en l'absence d'un Agent Diplomatique de leur pays, pourront recourir directement au Gouvernement du pays dans lequel ils exercent leurs fonctions.

XIII. Les Consuls-Généraux, Consuls, Vice-Consuls, et Agents Consulaires auront le droit de recevoir dans leurs Chancelleries, dans leur demeure privée, dans celle des parties, ou à bord des bâtiments, les déclarations des capitaines et équipages des navires de leur pays, des passagers qui se trouvent à bord, et de tout autre sujet de leur nation.

Les dits Agents auront, en outre, le droit de recevoir, conformément aux lois et règlements de leur pays, dans leurs Chancelleries tous les actes conventionnels passés entre des sujets de leurs pays et des sujets ou autres habitants du pays où ils résident, et même tous les actes de ces derniers, pourvu que ces actes aient rapport à des affaires à traiter sur le territoire de la nation à laquelle appartiendra le Consul ou l'Agent devant lequel ils seront passés.

Les expéditions des dits actes et les documents officiels de toute espèce, soit en original ou copie, ou en traduction, dûment légalisés par les Consuls-Généraux, Consuls, Vice-Consuls, ou Agents Consulaires et munis de leur cachet officiel, feront foi en justice dans tous les Tribunaux d'Espagne et de ses provinces d'outremer et de la Grèce.

XIV. Les Consuls-Généraux, Consuls, Vice-Consuls, et Agents Consulaires pourront faire arrêter les officiers, matelots, et toutes les autres personnes faisant partie des équipages, à quelque titre que ce soit, des bâtiments de guerre ou de commerce de leur nation qui seraient prévenus ou accusés d'avoir déserté les dits bâtiments, pour

les renvoyer à bord ou les transporter dans leur pays. À cet effet ils s'adresseront par écrit aux autorités locales compétentes des pays respectifs et leur feront la demande de ces déserteurs, en justifiant, par l'exhibition des registres du bâtiment ou du rôle de l'équipage, ou par d'autres documents officiels, que les hommes qu'ils réclament faisaient partie du dit équipage. Sur cette seule demande, ainsi justifiée, la remise des déserteurs ne pourra leur être refusée, à moins qu'il ne soit dûment prouvé qu'ils étaient sujets du pays où l'extradition est réclamée au moment de leur inscription sur le rôle.

Il leur sera donné toute aide et protection pour la recherche, la saisie et l'arrestation de ces déserteurs, qui seront même détenus et gardés dans les prisons du pays à la réquisition et aux frais des Consuls, jusqu'à ce que ces Agents aient trouvé une occasion de les faire partir. Si pourtant cette occasion ne se présentait pas dans un délai de trois mois, à compter du jour de l'arrestation, les déserteurs seraient mis en liberté et ne pourraient plus être arrêtés pour la même cause.

Si le déserteur avait commis quelque délit, son extradition serait différée jusqu'à ce que le tribunal qui a droit d'en connaître ait rendu son jugement et que celui-ci ait eu son effet.

XV. À moins de stipulations contraires entre les armateurs, chargeurs et assureurs, toutes avaries essuyées à la mer par les navires des deux pays, soit qu'ils abordent volontairement au port, soit qu'ils se trouvent en relâche forcée, seront réglées par les Consuls-Généraux, Consuls, Vice-Consuls, ou Agents Consulaires des pays respectifs. Si, cependant, des habitants du pays ou des sujets d'une tierce nation se trouvaient intéressés dans les dites avaries, et les parties ne pouvaient s'entendre à l'amiable, le recours à l'autorité locale compétente serait de droit.

XVI. Toutes les opérations relatives au sauvetage des navires Helléniques naufragés sur les côtes d'Espagne et de ses provinces d'outremer, et des navires Espagnols naufragés sur les côtes de la Grèce, seront respectivement dirigées par les Consuls-Généraux, Consuls, et Vice-Consuls de Grèce en Espagne, et par les Consuls-Généraux, Consuls, et Vice-Consuls Espagnols en Grèce, et jusqu'à leur arrivée par les Agents Consulaires respectifs, là où il existera une Agence. Dans les lieux et ports où il n'existerait pas d'Agence, les autorités locales auront, en attendant l'arrivée du Consul dans l'arrondissement duquel le naufrage aurait eu lieu et qui devrait être immédiatement prévenu, à prendre toutes les mesures nécessaires pour la protection des individus et la conservation des effets naufragés.

Les autorités locales n'auront, d'ailleurs, à intervenir que pour maintenir l'ordre, garantir les intérêts des sauveurs s'ils sont étrangers aux équipages naufragés, et assurer l'exécution des disposi-

tions à observer pour l'entrée et la sortie des marchandises sauvées. Il est bien entendu que ces marchandises ne seront soumises à aucun droit de douane, à moins qu'elles ne soient destinées à être livrées à la consommation dans le pays où le naufrage aurait eu lieu.

L'intervention des autorités locales, dans ces différents cas, n'occasionnera des frais d'aucune espèce, hors ceux auxquels donneraient lieu les opérations du sauvetage et la conservation des objets sauvés, ainsi que ceux auxquels seraient soumis en pareil cas les navires nationaux.

XVII. En cas de décès d'un Hellène en Espagne, ou dans les provinces d'outremer, ou d'un Espagnol en Grèce, s'il n'y a aucun héritier connu ou aucun exécuteur testamentaire, institué par le défunt, les autorités locales compétentes informeront de la circonstance les Consuls ou Agents Consulaires de la nation à laquelle appartenait le défunt, afin qu'il puisse en être immédiatement donné connaissance aux parties intéressées.

En cas de minorité ou d'absence des exécuteurs testamentaires, les Agents du Service Consulaire, concurremment avec l'autorité locale compétente, auront le droit, conformément aux lois de leurs pays respectifs, de faire tous les actes nécessaires à la conservation et à l'administration de la succession, notamment d'apposer et de lever les scellés, de former l'inventaire, d'administrer et de liquider la succession, en un mot de prendre toutes les mesures nécessaires à la sauvegarde des intérêts des héritiers, excepté le cas où naîtraient des contestations, lesquelles devraient être décidées par les tribunaux compétents du pays où la succession soit ouverte.

Les Consuls-Généraux, Consuls, Vice-Consuls, ou Agents Consulaires des deux nations connaîtront exclusivement des actes d'inventaire et des autres opérations pratiquées pour la conservation des biens héréditaires laissés par les gens de mer et les passagers de leur nation qui décéderaient à terre ou à bord des navires de leur pays, soit pendant la traversée, soit dans le port de leur arrivée.

XVIII. Jusqu'à ce qu'une des Hautes Parties Contractantes ait notifié à l'autre, une année à l'avance, son intention de faire cesser les effets de ce Traité, il continuera en vigueur encore une année, et ainsi de suite d'année en année, à compter du jour où l'une des parties l'aura dénoncé.

Ce Traité sera ratifié aussitôt que faire se pourra, et les ratifications seront échangées à Paris.

En foi de quoi les Plénipotentiaires respectifs ont signé le présent Traité, et y ont apposé le cachet de leurs armes.

Fait à Paris, le 17 Août, 1875.

(L.S.) N. P. DELYANNI.

(L.S.) MARQUIS DE MOLINS.

*FIRMAN du Sultan, concédant à l'Égypte les Caïmacamats de Massawa, Suakim, et leurs Dépendances.—May, 1865.*

(Traduction.)

Je vous envoie ce Firman pour vous apprendre que selon votre demande les ports de Massawa et de Suakim vous sont concédés avec la Province de Taka, à cette condition que vous y établirez une bonne administration pour leur prospérité, et que vous veillerez à la stricte exécution des règlements pour empêcher la traite et au paiement régulier au Gouvernement de Djeddah des droits annuels dus par ces Provinces, ainsi que cela avait lieu dans les dernières années du Gouvernement de feu Son Altesse Mehemet Aly Pacha.

Comme les deux côtes de la Mer Rouge appartiennent à l'Empire, aucun inconvénient ne s'oppose à ce que cette côte soit confiée à l'administration particulière de l'Égypte ; cependant, comme à l'époque de la concession de ces lieux à feu Mehemet Aly Pacha, le Byalet et le Liwa de Djeddah et d'Abyssinie n'étaient pas encore entrés sous le régime de la Réforme, les fonctionnaires désignés par l'Égypte devaient être confirmés par un Bouyouridu du Gouvernement de Djeddah, tandis que maintenant les localités susdites se trouvant comprises dans l'Administration régulière, il a été nécessaire de prendre des renseignements à leur sujet auprès du Byalet de Djeddah, lesquels renseignements, reçus en ces jours, furent soumis à l'appréciation du Haut Conseil des Ministres, et moi, qui ai confiance en votre dévouement et votre sincère fidélité, dont je suis convaincu, je vous cède à vous personnellement ces localités.

Vous paierez pour les contributions, droits de douane et de salines, d'après les registres de l'année 1280, une somme de 5,000 bourses, ainsi que cela se faisait du temps de feu Son Altesse Mehemet Aly Pacha, plus 2,500 bourses, soit en tout 7,500 bourses à verser annuellement au Trésor de Djeddah.

Comme avec votre esprit droit et digne d'éloges vous maintenez toujours d'une façon juste et équitable les revenus tirés de la Province d'Égypte et de ses terres sacrées, dans le cas où les revenus du Hedjaz éprouveraient une diminution, et où ceux des localités concédées augmenteraient au contraire, vous ferez dresser tous les trois ans, pour établir une compensation, un Budget comprenant les modifications et améliorations apportées pour ces dites localités, en dehors de celui dressé pour le pays privilégié que vous tenez à titre d'héritage ; vous donnerez des instructions précises aux fonctionnaires que vous y enverrez pour qu'ils maintiennent, d'après les mesures régulièrement adoptées, l'administration des salines et des douanes de ces ports et de leurs dépendances, et j'ai en con-

séquence donné mon présent Firman Impérial pour vous accorder cette concession, conformément à ce qui vient d'être dit.

Vous prendrez consignation de ces localités à partir du mois de Mars, de l'année 1281, en remplissant les formalités nécessaires, et en donnant une déclaration contenant l'engagement d'effectuer les paiements ci-dessus mentionnés, et vous vous efforcerez de mériter de plus en plus ma bienveillance Impériale. .

C'est pourquoi je vous délivre le présent Firman avec ma signature.

Fait et écrit vers le milieu de Zilhegeh (*mi-Mai*, 1865).

*TRAITÉ de Commerce et de Navigation entre la Russie et l'Espagne.—Signé à St. Pétersbourg, le 11 Février, 1876.*

[Ratifications échangées le 8 Janvier, 1877.]

AU NOM DE LA TRÈS SAINTE ET INDIVISIBLE TRINITÉ.

Sa Majesté l'Empereur de Toutes les Russies et Sa Majesté le Roi d'Espagne, animés du désir de faciliter les relations commerciales et maritimes établies entre les deux États, ont résolu de conclure dans ce but un Traité de Commerce et de Navigation, et ont nommé pour leurs Plénipotentiaires, savoir :

Sa Majesté l'Empereur de Toutes les Russies, le Prince Alexandre Gortchacow, son Chancelier de l'Empire, Membre du Conseil de l'Empire, Grand d'Espagne, ayant le portrait de Sa Majesté l'Empereur, enrichi de diamants, Chevalier des Ordres Russes de St. André en diamants, de St. Vladimir de la première classe, de St. Alexandre Nevsky, de l'Aigle Blanc, de St. Anne de la première classe, et de St. Stanislas de la première classe; des Ordres étrangers de la Toison d'Or d'Espagne, Grand-Croix de la Légion d'Honneur de France, de l'Annonciade, de St. Étienne d'Autriche, de l'Aigle Noir de Prusse en diamants, et de plusieurs autres Ordres étrangers; et

Sa Majesté le Roi d'Espagne, Don Manuel d'Acuna et Devitte, Marquis de Bedmar et d'Escalona, Grand d'Espagne, son Chambellan, Ambassadeur Extraordinaire et Plénipotentiaire près Sa Majesté l'Empereur de Toutes les Russies, Grand-Croix de l'Ordre de Charles III, Grand Officier de la Légion d'Honneur de France, Commandeur de l'Ordre de Malte;

Lesquels, après s'être communiqué leurs pleins pouvoirs respectifs, trouvés en bonne et due forme, sont convenus des Articles suivants :

ART. I. Il y aura réciproquement pleine et entière liberté de commerce et de navigation pour les bâtiments et les nationaux des

Hautes Parties Contractantes dans les villes, ports, rivières ou lieux quelconques des deux États, et de leurs possessions, dont l'entrée est actuellement permise ou pourra l'être à l'avenir aux sujets et aux navires de toute autre nation étrangère.

Les Russes en Espagne et les Espagnols en Russie pourront réciproquement, en se conformant aux lois du pays, entrer, voyager ou séjourner en toute liberté, dans quelque partie que ce soit des territoires et possessions respectifs, pour y vaquer à leurs affaires, et jouiront à cet effet, pour leurs personnes et leurs biens, de la même protection et sécurité que les nationaux.

Ils pourront, dans toute l'étendue des deux territoires, exercer l'industrie, faire le commerce, tant en gros qu'en détail, louer ou posséder les maisons, magasins, boutiques, ou terrains qui leur seront nécessaires, sans être assujettis, soit pour leurs personnes ou leurs biens, soit pour exercer leur commerce ou leur industrie, à des taxes générales ou locales, ni à des impôts ou obligations de quelque nature qu'ils soient, autres ou plus onéreux que ceux qui sont ou pourront être établis sur les nationaux.

Il est entendu toutefois que les stipulations qui précèdent ne dérogent en rien aux lois, ordonnances et règlements spéciaux en matière de commerce, d'industrie, et de police en vigueur dans chacun des deux pays, et applicables à tous les étrangers en général.

II. Les Russes en Espagne et les Espagnols en Russie auront réciproquement un libre accès auprès des tribunaux de justice, en se conformant aux lois du pays, tant pour réclamer que pour défendre leurs droits à tous les degrés de juridiction établis par les lois. Ils pourront employer, dans toutes les instances, les avocats, avoués et agents de toutes classes, autorisés par les lois du pays, et jouiront, sous ce rapport, des mêmes droits et avantages qui sont ou seront accordés aux nationaux.

III. Les Russes en Espagne et les Espagnols en Russie auront pleine liberté d'acquérir, de posséder et d'aliéner dans toute l'étendue des territoires et possessions respectifs toute espèce de propriété que les lois du pays permettent ou permettront aux sujets de toute autre nation étrangère d'acquérir ou de posséder.

Ils pourront en faire l'acquisition et en disposer par vente, donation, échange, mariage, testament, ou de quelque autre manière que ce soit, dans les mêmes conditions qui sont ou seront établies à l'égard des sujets de toute autre nation étrangère, sans être assujettis à des taxes, impôts, ou charges, sous quelque dénomination que ce soit, autres ou plus élevés que ceux qui sont ou seront établis sur les nationaux.

Ils pourront de même exporter librement le produit de la vente de leur propriété et leurs biens en général, sans être assujettis à payer comme étrangers, à raison de l'exportation, des droits autres

ou plus élevés que ceux que les nationaux auraient à acquitter en pareille circonstance.

IV. Les Russes en Espagne et les Espagnols en Russie seront réciproquement exempts de tout service personnel, soit dans les armées de terre et de mer, soit dans les gardes ou milices nationales ; de toute contribution, soit en argent, soit en nature, destinée à tenir lieu du service personnel ; de tout emprunt forcé et de toute prestation ou réquisition militaire.

Sont, toutefois, exceptées les charges qui sont attachées à la possession, à titre quelconque, d'un bien-fonds, ainsi que les prestations et les réquisitions militaires auxquelles tous les nationaux peuvent être appelés à se soumettre comme propriétaires fonciers ou comme fermiers.

Ils seront également dispensés de toute charge et fonction judiciaire ou municipale quelconque.

V. Les navires Russes et leur cargaison dans un port de l'Espagne, et réciproquement les navires Espagnols et leur cargaison en Russie, à leur arrivée, soit directement du pays d'origine, soit d'un autre pays, et quel que soit le lieu de provenance ou la destination de leur cargaison, jouiront, sous tous les rapports, du même traitement que les navires nationaux et leur cargaison.

Aucun droit, taxe ou charge quelconque, pesant sous quelque dénomination que ce soit sur la coque du navire, son pavillon ou sa cargaison, et perçu au nom ou au profit du Gouvernement, de fonctionnaires publics, de particuliers, de corporations, ou d'établissements quelconques, ne sera imposé aux bâtiments de l'un des deux États dans les ports de l'autre, à leur arrivée, durant leur séjour et à leur sortie, qui ne serait pas également et dans les mêmes conditions imposé aux navires nationaux.

VI. La nationalité des bâtiments sera admise, de part et d'autre, d'après les lois et règlements particuliers à chaque pays, au moyen des titres et patentes délivrés aux capitaines ou patrons par les autorités compétentes.

VII. En tout ce qui concerne le placement des navires, leur chargement et leur déchargement dans les ports, rades, havres, bassins, fleuves, rivières, ou canaux, et généralement pour toutes les formalités et dispositions quelconques auxquelles peuvent être soumis les navires de commerce, leurs équipages et leurs cargaisons, il ne sera accordé aux navires nationaux, dans l'un des deux États, aucun privilège ni aucune faveur qui ne le soit également aux navires de l'autre Puissance ; la volonté des Hautes Parties Contractantes étant que, sous ce rapport, les bâtiments Espagnols et les bâtiments Russes soient traités sur le pied d'une parfaite égalité.

VIII. Les navires Russes entrant dans un port d'Espagne, et réciproquement les navires Espagnols entrant dans un port de

l'Empire de Russie, qui n'y viendraient décharger qu'une partie de leur cargaison, pourront, en se conformant toutefois aux lois et règlements des États respectifs, conserver à leur bord la partie de leur cargaison qui serait destinée à un autre port, soit du même pays, soit d'un autre, et la réexporter, sans être astreints à payer, pour cette dernière partie de leur cargaison, aucun droit de douane, sauf ceux de surveillance, lesquels d'ailleurs ne pourront naturellement être perçus qu'aux taux fixés pour la navigation nationale.

IX. Les capitaines et patrons des bâtiments Russes et Espagnols seront réciproquement exempts de toute obligation de recourir, dans les ports respectifs des deux États, aux expéditionnaires officiels, et ils pourront, en conséquence, librement se servir soit de leurs Consuls, soit des expéditionnaires qu'ils désigneraient eux-mêmes, sauf à se conformer, dans les cas prévus par le code de commerce Espagnol et par le code de commerce Russe, aux dispositions auxquelles la présente clause n'apporte aucune dérogation.

X. Les dispositions du présent Traité ne sont point applicables à la navigation de côte ou cabotage, laquelle demeure exclusivement réservée, dans chacun des deux pays, au pavillon national.

Toutefois les navires Russes et Espagnols pourront passer d'un port de l'un des deux États dans un ou plusieurs ports du même État, soit pour y déposer toute ou partie de leur cargaison apportée de l'étranger, soit pour y composer ou compléter leur chargement.

XI. Seront complètement affranchis des droits de tonnage et d'expédition dans les ports de chacun des deux États :

1. Les navires qui, entrés sur lest de quelque lieu que ce soit, en repartiront sur lest.

2. Les navires qui, passant d'un port de l'un des deux États dans un ou plusieurs ports du même État, dans les conditions déterminées par le second paragraphe de l'Article précédent, justifieront avoir acquitté déjà ces droits.

3. Les navires qui, entrés avec chargement dans un port, soit volontairement, soit en relâche forcée, en sortiront sans avoir fait aucune opération de commerce.

En cas de relâche forcée, ne seront pas considérées comme opérations de commerce : le débarquement et le rechargement des marchandises pour la réparation du navire, le transbordement sur un autre navire en cas d'innavigabilité du premier, les dépenses nécessaires au ravitaillement des équipages, et la vente des marchandises avariées, lorsque l'Administration des Douanes en aura donné l'autorisation.

XII. Tout navire de l'une des deux Puissances qui sera forcé par le mauvais temps ou par un accident de mer de se réfugier dans un port de l'autre Puissance aura la liberté de s'y radoubier, de s'y pourvoir de tous les objets qui lui seront nécessaires, et de se



remettre en mer, sans avoir à payer d'autres droits que ceux qui seraient acquittés, en pareille circonstance, par un bâtiment sous pavillon national.

En cas de naufrage ou d'échouement, le navire ou ses débris, les papiers de bord et tous les biens et marchandises qui en auront été sauvés, ou le produit de la vente, si elle a eu lieu, seront remis aux propriétaires ou à leurs agents sur leur réclamation.

L'intervention des autorités locales dans le sauvetage ne donnera lieu à la perception de frais d'aucune espèce, hors ceux que nécessiteraient les opérations de sauvetage et la conservation des objets sauvés, ainsi que ceux auxquels seraient soumis, en pareil cas, les navires nationaux.

Les Hautes Parties Contractantes conviennent en outre que les marchandises et effets sauvés ne seront sujets au paiement d'aucun droit de douane, à moins qu'on ne les destine à la consommation intérieure.

XIII. Il est fait exception aux stipulations du présent Traité en ce qui concerne les avantages dont les produits de la pêche nationale sont ou pourront être l'objet.

XIV. Les marchandises de toute nature, produits de l'industrie ou du sol de l'un des deux États, qui peuvent ou pourront être légalement importées dans l'autre, ou en être exportées, soit par terre, soit par mer, ne seront assujetties à aucun droit d'entrée ou de sortie, autre que ceux qu'auront à payer les produits similaires de toute autre nation étrangère la plus favorisée.

XV. En tout ce qui concerne les droits de douane, à l'entrée et à la sortie par les frontières de terre ou de mer, droits d'importation, d'exportation et autres, les deux Hautes Parties Contractantes se promettent réciproquement de n'accorder aucun abaissement de taxe, privilège, faveur ou immunité quelconque aux sujets et aux produits d'un autre État, qui ne soit aussi, et à l'instant, étendu sans condition aux nationaux et aux produits respectifs des deux pays; la volonté des deux Hautes Parties Contractantes étant que, pour tout ce qui concerne l'importation, l'exportation, le transit, l'entrepôt, la réexportation, les droits locaux, le courtage, les tarifs et les formalités de douane, de même que pour tout ce qui a rapport à l'exercice du commerce et de l'industrie, les Russes en Espagne et les Espagnols en Russie jouissent du traitement de la nation la plus favorisée.

XVI. Aucune prohibition à l'importation ou à l'exportation ne pourra être établie par l'une des Hautes Parties Contractantes à l'égard de l'autre qui ne soit en même temps applicable à toutes les autres nations étrangères, excepté toutefois les prohibitions ou restrictions temporaires que l'un ou l'autre Gouvernement jugerait nécessaire d'établir en ce qui concerne la contrebande de guerre ou pour des motifs sanitaires.

XVII. Les navires Russes entrant avec ou sans chargement dans un des ports ouverts des Provinces Espagnoles d'outre-mer seront assimilés aux navires Espagnols quant au paiement des droits de port et de navigation.

Dans les Provinces Espagnoles d'outre-mer les importations et les exportations par navires Russes seront assimilées à celles effectuées par les navires de la nation la plus favorisée.

XVIII. Il est entendu que les stipulations du présent Traité seront applicables à tous les bâtiments naviguant sous pavillon Russe, sans distinction aucune entre la marine marchande Russe proprement dite et celle qui appartient plus particulièrement au Grand-Duché de Finlande.

XIX. Toute reproduction dans l'un des deux États des marques de fabrique ou de commerce apposées dans l'autre sur certaines marchandises, pour constater leur origine et leur qualité, de même que toute mise en vente ou en circulation de produits revêtus de marques de fabrique ou de commerce, Russes ou Espagnols, contrefaites en tout pays étranger, seront sévèrement interdites sur le territoire des deux États et passibles des peines édictées par les lois du pays.

Les opérations illicites mentionnées au présent Article pourront donner lieu, devant les tribunaux et selon les lois du pays où elles auront été constatées, à une action en dommages et intérêts valablement exercée par la partie lésée envers ceux qui s'en seront rendus coupables.

Les nationaux de l'un des deux États qui voudront s'assurer, dans l'autre, la propriété de leurs marques de fabrique ou de commerce seront tenus de remplir les formalités prescrites à cet effet par le Gouvernement respectif.

En cas de doute ou de contestation il est entendu que les marques de fabrique ou de commerce auxquelles s'applique le présent Article sont celles qui dans chacun des deux États sont légitimement acquises, conformément à la législation de leur pays, aux industriels et négociants qui en usent.

XX. Le présent Traité restera en vigueur pendant cinq ans. Dans les cas où aucune des Hautes Parties Contractantes n'aurait notifié, douze mois avant la dite date, son intention d'en faire cesser les effets, il demeurera obligatoire jusqu'à l'expiration d'une année à partir du jour où l'une ou l'autre des Hautes Parties Contractantes l'aura dénoncé.

XXI. Le présent Traité sera ratifié, et les ratifications en seront échangées à St. Pétersbourg le plus tôt que faire se pourra, et le Traité entrera immédiatement en vigueur.

En foi de quoi les Plénipotentiaires respectifs ont signé le présent Traité, et y ont apposé le cachet de leurs armes.

[1875-76. LXVII.]

O

Fait à St. Pétersbourg, le 11 Février, de l'an de grâce 1876.

(L.S.) GORTCHACOW.

(L.S.) BEDMAR.

### ARTICLES SÉPARÉS.

ART. I. Les relations commerciales de la Russie avec les Royaumes de Suède et Norvège et les États et pays limitrophes de l'Asie, étant réglées par des stipulations spéciales concernant le commerce de frontière et indépendantes des règlements applicables au commerce étranger en général, les deux Hautes Parties Contractantes conviennent que les dispositions spéciales contenues dans le Traité passé entre la Russie et la Suède et la Norvège le 26 Avril (8 Mai), 1838,\* ainsi que celles qui sont relatives au commerce avec les autres États et pays ci-dessus mentionnés, ne pourront, dans aucun cas, être invoquées, pour modifier les relations de commerce et de navigation établies entre les deux Hautes Parties Contractantes par le présent Traité.

II. Il est également entendu que ne seront pas censées déroger au principe de réciprocité, qui est la base du présent Traité, les franchises, immunités, et privilèges mentionnés ci-après, savoir:—

De la part de la Russie :

1. La franchise dont jouissent les navires construits en Russie et appartenant à des sujets Russes, lesquels pendant les trois premières années sont exempts des droits de navigation ;

2. La faculté accordée aux habitants de la côte du Gouvernement d'Arkhangel d'importer en franchise ou moyennant des droits modérés dans les ports du dit Gouvernement du poisson sec ou salé, ainsi que certaines espèces de fourrures, et d'en exporter de la même manière des blés, cordes et cordages, du goudron et du ravendouc ;

3. Les lois du Grand-Duché de Finlande, qui n'accordent aux étrangers le droit d'exercer le commerce que dans les villes maritimes (stapelstadt) de ce pays et seulement en gros ;

4. Les immunités accordées en Russie à différentes compagnies de plaisance dites yacht-clubs.

Et de la part de l'Espagne :

1. Les immunités établies en faveur de la pêche maritime nationale ;

2. Le monopole sur le tabac, ainsi que sur tout autre article que le Gouvernement pourrait se réserver à l'avenir ;

3. Les lois spéciales qui régissent les Provinces Espagnoles d'outre-mer.

III. Les présents Articles Séparés auront la même force et valeur

que s'ils étaient insérées mot à mot dans le Traité de ce jour. Ils seront ratifiées, et les ratifications en seront échangées en même temps.

En foi de quoi les Plénipotentiaires respectifs les ont signés et y ont apposé le cachet de leurs armes.

Fait à St. Petersburg, le 11 Février, de l'an de grâce 1876.

(L.S.) GORTCHACOW.

(L.S.) BEDMAR.

**DÉCRET de la République Française, qui rattache l'île de Sainte-Marie de Madagascar, comme Dépendance, à la Colonie de la Réunion.—Paris, le 27 Octobre, 1876.**

LE PRÉSIDENT DE LA RÉPUBLIQUE FRANÇAISE,

Sur le rapport du Ministre de la Marine et des Colonies ;

Vu l'Ordonnance du 21 Août, 1825,\* concernant le gouvernement et l'administration de l'île Bourbon ;

Vu le Décret du 18 Octobre, 1853, érigeant Sainte-Marie de Madagascar en établissement colonial indépendant de toute autre Colonie Française ;

Décète :

ART. 1. L'île de Sainte-Marie de Madagascar est rattachée, comme dépendance, à la Colonie de la Réunion, dans les conditions indiquées aux Articles 190, 191, et 192 de l'Ordonnance du 21 Août, 1825.

2. À partir du 1<sup>er</sup> Janvier, 1877, les dépenses du Budget de l'État afférentes à l'établissement de Sainte-Marie de Madagascar sont réduites à 35,000 francs par an.

La dite somme sera inscrite, à titre de subvention, au Chapitre XVIII du Budget de la Marine et des Colonies.

\* *Extract from "Ordonnances du 21 Août, 1825, concernant le Gouvernement de l'île de Bourbon et de ses Dépendances."*

190. Les dépendances de l'île de Bourbon sont l'île de Sainte-Marie et les établissements Français à Madagascar.

191. § 1. Les chefs de ces divers établissements sont placés sous l'autorité du Gouverneur. Ils reçoivent ses ordres et lui rendent compte.

§ 2. Ils correspondent avec les chefs d'administration, qui leur transmettent les ordres du Gouverneur sur les différentes parties du service dont ils sont respectivement chargés.

§ 3. L'action du contrôle s'étend sur le service administratif des dépendances de l'île de Bourbon.

192. Le Conseil Privé connaît de toutes les affaires de sa compétence qui ont rapport à ces établissements.

3. Sont supprimées toutes les dépenses portées au Budget Colonial au titre de Sainte-Marie de Madagascar, au Chapitre XV, Articles 1 et 2, et au Chapitre XVI, Articles 1, 2, et 3.

4. Sont et demeurent abrogées toutes les dispositions contraires au présent Décret.

5. Le Ministre de la Marine et des Colonies est chargé de l'exécution du présent Décret, qui sera inséré au Bulletin des Lois et au Bulletin Officiel de la Marine.

Fait à Paris, le 27 Octobre, 1876.

MAL. DE MACMAHON.

L. FOURICHON, *Vice-Amiral, Sénateur, Ministre  
de la Marine et des Colonies.*

### CONVENTION CONSULAIRE entre l'Espagne et la Russie.

— Signée à St. Pétersbourg, le 11 Février, 1876.

[Ratifications échangées, le 1<sup>er</sup> Septembre, 1876.]

SA MAJESTÉ l'Empereur de Toutes les Russies et Sa Majesté le Roi d'Espagne, désirant déterminer les droits, privilèges et immunités réciproques des Consuls-Généraux, Consuls, Vice-Consuls, et Agents Consulaires, ainsi que leurs fonctions et les obligations auxquelles ils seront respectivement soumis en Russie et en Espagne, ont résolu de conclure une Convention Consulaire, et ont nommé à cet effet pour leurs Plénipotentiaires, savoir :

Sa Majesté l'Empereur de Toutes les Russies, le Prince Alexandre Gortchacow, son Chancelier de l'Empire, Membre du Conseil de l'Empire, Grand d'Espagne, ayant le portrait de Sa Majesté l'Empereur enrichi de diamants, Chevalier des Ordres Russes de St. André en diamants, de St. Vladimir de la première classe, de St. Alexandre Nevski, de l'Aigle Blanc, de Ste. Anne de la première classe, et de St. Stanislas de la première classe ; des Ordres étrangers de la Toison d'Or d'Espagne, Grand-Croix de la Légion d'Honneur de France, de l'Annonciade, de St. Étienne d'Autriche, de l'Aigle Noir de Prusse en diamants, et de plusieurs autres Ordres étrangers ; et,

Sa Majesté le Roi d'Espagne, Don Manuel Acuna et Devitte, Marquis de Bedmar et d'Escalona, Grand d'Espagne, son Chambellan, Ambassadeur Extraordinaire et Plénipotentiaire près de Sa Majesté l'Empereur de Toutes les Russies, Grand-Croix de l'Ordre de Charles III, Grand Officier de la Légion d'Honneur de France, Commandeur de l'Ordre de Malte ;

Lesquels, après s'être communiqué leurs pleins pouvoirs respectifs, trouvés en bonne et due forme, sont convenus des Articles suivants :—

ART. I. Chacune des Hautes Parties Contractantes aura la faculté d'établir des Consuls-Généraux, Consuls, Vice-Consuls ou Agents Consulaires dans les ports ou places de commerce du territoire de l'autre partie, y compris les possessions d'outre-mer et les Colonies ; elles se réservent toutefois respectivement le droit de désigner les localités qu'elles jugeraient convenable d'excepter, pourvu que cette réserve soit également appliquée à toutes les Puissances.

Les Consuls-Généraux, Consuls, Vice-Consuls, et Agents Consulaires entreront en fonctions après avoir été admis et reconnus dans les formes usitées par le Gouvernement du pays où ils sont appelés à résider.

II. Les Consuls-Généraux, ainsi que les Vice-Consuls ou Agents Consulaires, sujets de l'État qui les nomme, jouiront de l'exemption des logements et des contributions militaires, des contributions directes, personnelles, mobilières et somptuaires, imposées par l'État ou par les communes, à moins qu'ils ne possèdent des biens immeubles, qu'ils ne fassent le commerce ou qu'ils n'exercent quelque industrie, dans lesquels cas ils seront soumis aux mêmes taxes, charges et impositions que les autres particuliers.

Ils ne pourront être ni arrêtés ni conduits en prison dans chacun des deux pays contractants, excepté pour les faits et actes qui, d'après la législation du pays où l'infraction a été commise, doivent être, dans l'Empire de Russie déferés au jury, et dans le Royaume d'Espagne punis d'une peine afflictive. S'ils sont négociants, la contrainte par corps ne pourra leur être appliquée que pour les seuls faits de commerce et non pour causes civiles.

III. Les Consuls-Généraux, Consuls, ainsi que les Vice-Consuls et Agents Consulaires, sont tenus de fournir leur témoignage en justice, lorsque les tribunaux du pays le jugeront nécessaire. Mais l'autorité judiciaire devra, dans ce cas, les inviter par lettre officielle à se présenter devant elle.

En cas d'empêchement des dits Agents, mais dans les causes civiles seulement, l'autorité judiciaire se transportera à leur domicile pour recevoir leur témoignage de vive voix, ou le leur demandera par écrit, suivant les formes particulières à chacun des deux États. Les dits Agents devront satisfaire au désir de l'autorité dans le délai qui leur sera indiqué.

IV. Les Consuls-Généraux, Consuls, Vice-Consuls, et Agents Consulaires pourront placer au-dessus de la porte extérieure du Consulat ou Vice-Consulat l'écusson des armes de leur nation, avec cette inscription : " Consulat, Vice-Consulat, ou Agence Consulaire de . . . . . "

Ils pourront également, dans les résidences maritimes, arborer le pavillon de leur pays sur la maison Consulaire, ainsi que sur le bateau qu'ils monteraient dans le port pour l'exercice de leurs fonctions.

Il est bien entendu que ces marques extérieures ne pourront jamais être interprétées comme constituant un droit d'asile, mais serviront, avant tout, à désigner aux marins ou aux nationaux l'habitation Consulaire.

V. Les archives Consulaires seront inviolables en tout temps, et les autorités locales ne pourront, sous aucun prétexte ni dans aucun cas, visiter ni saisir les papiers qui en feront partie.

Ces papiers devront toujours être complètement séparés des livres et papiers relatifs au commerce ou à l'industrie que pourraient exercer les Consuls, Vice-Consuls, ou Agents Consulaires respectifs.

VI. En cas d'empêchement, d'absence ou de décès des Consuls-Généraux, Consuls, ou Vice-Consuls, les Chanceliers et Secrétaires qui auront été présentés antérieurement en leur dite qualité aux autorités respectives seront admis de plein droit à exercer par intérim les fonctions Consulaires, et ils jouiront, pendant ce temps, des exemptions et privilèges qui y sont attachés par la présente Convention.

VII. Les Consuls-Généraux et Consuls pourront nommer des Vice-Consuls et des Agents Consulaires dans les villes, ports et localités de leur circonscription Consulaire, sauf l'approbation du Gouvernement territorial.

Ces Agents pourront être indistinctement choisis parmi les sujets des deux pays comme parmi les étrangers, et seront munis d'un brevet délivré par le Consul qui les aura nommés et sous les ordres duquel ils devront être placés. Ils jouiront des privilèges et exemptions stipulés par la présente Convention, sauf les exceptions consacrées par les Articles II et III.

Il est spécialement entendu, en effet, que lorsqu'un Consul ou Agent Consulaire, établi dans un port ou dans une ville de l'un des deux pays, sera choisi parmi les sujets de ce pays, ce Consul ou Agent continuera à être considéré comme sujet de la nation à laquelle il appartient, et qu'il sera, par conséquent, soumis aux lois et règlements qui régissent les nationaux dans le lieu de sa résidence, sans que cependant cette obligation puisse gêner en rien l'exercice de ces fonctions, ni porter atteinte à l'inviolabilité des archives Consulaires.

VIII. Les Consuls-Généraux, Consuls, et Vice-Consuls ou Agents Consulaires des deux pays pourront, dans l'exercice des pouvoirs qui leur sont attribués, s'adresser aux autorités de leur circonscription Consulaire pour réclamer contre toute infraction aux Traités ou Conventions existant entre les deux pays et contre tout abus dont leurs nationaux auraient à se plaindre. Si leurs récla-

nations n'étaient pas accueillies par ces autorités, ils pourraient avoir recours, à défaut d'un Agent Diplomatique de leur pays, au Gouvernement de l'État dans lequel ils résideraient.

IX. Les Consuls-Généraux, Consuls, ainsi que les Vice-Consuls et Agents Consulaires des deux pays, auront le droit de recevoir dans leurs chancelleries, au domicile des parties et à bord des navires de leur nation, les déclarations que pourront avoir à faire les capitaines, les gens de l'équipage et les passagers, les négociants et tous autres sujets de leur pays.

Ils seront, en outre, autorisés à recevoir, comme notaires et d'après les lois de leur pays :

1. Les dispositions testamentaires de leurs nationaux et tous autres actes notariés les concernant, y compris les contrats de toute espèce. Mais si ces contrats ont pour objet une constitution d'hypothèque ou toute autre transaction sur des immeubles situés dans le pays où le Consul réside, ils devront être dressés dans les formes requises et selon les dispositions spéciales des lois de ce même pays.

2. Tous actes passés entre un ou plusieurs de leurs nationaux et d'autres personnes du pays dans lequel ils résident, et même les actes passés entre des sujets de ce dernier pays seulement, pourvu que ces actes se rapportant exclusivement à des biens situés ou à des affaires à traiter sur le territoire de la nation à laquelle appartient le Consul ou l'Agent devant lequel ces actes seront passés.

Ils pourront également traduire et légaliser toute espèce d'actes et de documents émanés des autorités ou fonctionnaires de leur pays.

Tous les actes ci-dessus mentionnés, ainsi que les copies, extraits ou traductions de ces actes, dûment légalisés par les dits Agents et scellés du sceau officiel des Consuls et Vice-Consuls, auront dans chacun des deux pays la même force et valeur que s'ils avaient été passés devant un notaire ou autres officiers publics ou ministériels compétents dans l'un ou l'autre des deux États, pourvu que ces actes aient été soumis aux droits de timbre, d'enregistrement ou à toute autre taxe ou imposition établie dans le pays où ils devront recevoir leur exécution.

X. Les Consuls-Généraux, Consuls, et Vice-Consuls ou Agents Consulaires pourront aller personnellement ou envoyer des délégués à bord des navires de leur nation, après qu'ils auront été admis en libre pratique, interroger le capitaine et l'équipage ; examiner les papiers de bord ; recevoir les déclarations sur leur voyage, leur destination et les incidents de la traversée ; dresser les manifestes et faciliter l'expédition de leur navire ; enfin, les accompagner devant les tribunaux et dans les bureaux de l'administration du pays pour leur servir d'interprètes et d'agents dans les affaires qu'ils auront à suivre ou les demandes qu'ils auront à former, sauf dans les cas



prévus par les lois commerciales des deux pays, aux dispositions desquelles la présente clause n'apporte aucune dérogation.

Les fonctionnaires de l'ordre judiciaire et les officiers et agents de la Douane du pays ne pourront, dans les ports où réside un Consul ou un Agent Consulaire de l'un des deux États respectifs, opérer ni recherches ni visites (autres que les visites ordinaires de la Douane) à bord des navires de commerce sans en avoir donné préalablement avis au dit Consul ou Agent, afin qu'il puisse assister à la visite.

L'invitation qui sera adressée à cet effet aux Consuls, Vice-Consuls ou Agents Consulaires indiquera une heure précise, et, s'ils négligeaient de s'y rendre en personne ou de s'y faire représenter par un délégué, il sera procédé en leur absence.

Il est bien entendu que le présent Article ne s'applique pas aux mesures prises par les autorités locales conformément aux règlements de la Douane et de la Santé, lesquels continueront d'être appliqués en dehors du concours des autorités Consulaires.

XI. En tout ce qui concerne la police des ports, le chargement et le déchargement des navires, et la sûreté des marchandises, biens et effets, on observera les lois, ordonnances et règlements du pays.

Les Consuls et Vice-Consuls ou Agents Consulaires seront chargés exclusivement du maintien de l'ordre intérieur à bord des navires de leur nation ; en conséquence, ils régleront eux-mêmes les contestations de toute nature qui seraient survenues entre le capitaine, les officiers du navire et les matelots, et spécialement celles relatives à la solde et à l'accomplissement des engagements réciproquement contractés.

Les autorités locales ne pourront intervenir que lorsque les désordres survenus à bord des navires seraient de nature à troubler la tranquillité et l'ordre public, à terre ou dans le port, ou quand une personne du pays ou ne faisant pas partie de l'équipage s'y trouvera mêlée.

Dans tous les autres cas les autorités précitées se borneront à prêter tout appui aux Consuls et Vice-Consuls ou Agents Consulaires, si elles en sont requises par eux pour faire arrêter et renvoyer à bord ou maintenir en état d'arrestation tout individu, inscrit sur le rôle de l'équipage, chaque fois que les dits Agents le jugeront nécessaire.

Si l'arrestation devait être maintenue, les dits Agents en donneront avis, dans le plus bref délai possible, par une communication officielle aux autorités judiciaires compétentes.

XII. Les Consuls-Généraux, Consuls, et Vice-Consuls ou Agents Consulaires pourront faire arrêter et renvoyer, soit à bord, soit dans leur pays, les marins et toute autre personne faisant, à quelque titre que ce soit, partie des équipages des navires de leur nation, dont la désertion aurait eu lieu sur le territoire même de l'une des Hautes Parties Contractantes.

A cet effet ils devront s'adresser par écrit aux fonctionnaires compétents, et justifier au moyen de la présentation des registres des bâtiments ou du rôle de l'équipage ou d'autres documents officiels, ou bien, si le navire était parti, en produisant une copie authentique de ces documents, que les personnes réclamées faisaient réellement partie de l'équipage. Sur cette demande ainsi justifiée, la remise des déserteurs ne pourra être refusée.

On donnera, en outre, aux dites autorités Consulaires tout secours et toute assistance pour la recherche et l'arrestation de ces déserteurs, qui seront détenus, sur la demande écrite et aux frais de l'autorité Consulaire, jusqu'au moment où ils seront réintégrés à bord du bâtiment auquel ils appartiennent, ou jusqu'à ce qu'une occasion se présente de les repatrier.

Si, toutefois, cette occasion ne se présentait pas dans le délai de deux mois à compter du jour de l'arrestation, ou si les frais de leur détention n'étaient pas régulièrement acquittés, les dits déserteurs seront remis en liberté sans qu'ils puissent être arrêtés de nouveau pour la même cause.

Si le déserteur avait commis quelque crime ou délit à terre, l'autorité locale pourrait surseoir à l'extradition jusqu'à ce que le tribunal eût rendu la sentence et que celle-ci eût reçu pleine et entière exécution.

Les Hautes Parties Contractantes conviennent que les marins ou autres individus de l'équipage, sujets du pays dans lequel s'effectuera la désertion, sont exceptés des stipulations du présent Article.

XIII. Toutes les fois qu'il n'y aura pas de stipulations contraires entre les armateurs, chargeurs et assureurs, les avaries que les navires des deux pays auront souffertes en mer, soit qu'ils entrent dans les ports respectifs volontairement ou par relâche forcée, seront réglées par les Consuls-Généraux, Consuls, Vice-Consuls ou Agents Consulaires de leur nation, à moins que des sujets du pays dans lequel résideront les dits Agents ou ceux d'une tierce Puissance ne soient intéressés dans ces avaries; dans ce cas, et à défaut de compromis amiable entre toutes les parties intéressées, elles devront être réglées par l'autorité locale.

XIV. Lorsqu'un navire appartenant au Gouvernement ou à des sujets de l'un des deux États fera naufrage ou échouera sur le littoral de l'autre, les autorités locales devront dans le plus bref délai possible porter le fait à la connaissance du Consul-Général, Consul, Vice-Consul ou Agent Consulaire le plus voisin du lieu de l'accident.

Toutes les opérations relatives au sauvetage des navires Russes qui naufrageraient ou échoueraient dans les eaux territoriales de l'Espagne seront dirigées par les Consuls-Généraux, Consuls, Vice-Consuls ou Agents Consulaires de Russie; et réciproquement toutes

les opérations de sauvetage des navires Espagnols qui naufrageraient ou échoueraient dans les eaux territoriales de la Russie seront dirigées par les Consuls-Généraux, Consuls, Vice-Consuls ou Agents Consulaires d'Espagne.

L'intervention des autorités locales n'aura lieu, dans les deux pays, que pour assister l'autorité Consulaire, maintenir l'ordre, garantir les intérêts des sauveteurs étrangers à l'équipage et assurer l'exécution des dispositions à observer pour l'entrée et la sortie des marchandises sauvées.

En l'absence et jusqu'à l'arrivée des Consuls-Généraux, Consuls, Vice-Consuls ou Agents Consulaires, ou de la personne qu'ils délègueront à cet effet, les autorités locales devront prendre toutes les mesures nécessaires pour la protection des individus et la conservation des objets qui auront été sauvés du naufrage.

XV. Les Consuls-Généraux, Consuls, ainsi que les Vice-Consuls et Agents Consulaires, jouiront, dans les deux États et leurs possessions respectives, de toutes les exemptions, prérogatives, immunités et privilèges qui seront accordés aux Agents de la même classe de la nation la plus favorisée.

Toutefois, jusqu'à la conclusion d'une Convention pour le règlement des successions, les Consuls Espagnols en Russie ne jouiront pas des droits d'intervention dans ces affaires accordés aux Consuls des Puissances qui ont avec la Russie des Conventions spéciales à cet effet.

XVI. La présente Convention restera en vigueur pendant cinq années à dater du jour de l'échange des ratifications. Si aucune des Hautes Parties Contractantes n'avait notifié à l'autre, une année avant l'expiration de ce terme, l'intention d'en faire cesser les effets, elle demeurera exécutoire pendant une année encore, à partir du jour où l'une ou l'autre des Hautes Parties Contractantes l'aura dénoncée.

XVII. La présente Convention sera ratifiée. Les ratifications en seront échangées à St. Pétersbourg le plus tôt que faire se pourra, et la Convention entrera immédiatement en vigueur.

En foi de quoi les Plénipotentiaires respectifs l'ont signée et y ont apposé le cachet de leurs armes.

Fait à St. Péterabourg, le 11 Février, de l'an de grâce 1876.

GORTCHACOW.  
BEDMAR.

**CONVENTION entre l'Espagne et la Russie, pour le Règlement des Successions.—Signée à St. Pétersbourg, le 14 Juin, 1876.**

[Ratifications échangées, le 1<sup>er</sup> Septembre, 1876.]

SA MAJESTÉ l'Empereur de Toutes les Russies et Sa Majesté le Roi d'Espagne, désirant déterminer les droits des nationaux respectifs et les attributions des Autorités Judiciaires et Consulaires de l'un et de l'autre pays en ce qui concerne les successions laissées dans l'un des deux États par les nationaux de l'autre État, ont résolu d'un commun accord de conclure dans ce but une Convention spéciale, et ont nommé à cet effet pour leurs Plénipotentiaires, savoir :

Sa Majesté l'Empereur de Toutes les Russies, M. Nicolas de Giern, Gérant du Ministère des Affaires Étrangères, son Conseiller Privé, Sénateur et Chevalier des Ordres de Russie de St. Alexandre Nevsky, de l'Aigle Blanc, de St. Vladimir de deuxième classe, de St. Anne de première classe, de St. Stanislas de première classe ; des Ordres étrangers de la Couronne de Fer de deuxième classe d'Autriche, de l'Étoile Polaire de première classe de Suède, Grand-Croix de St. Olaf de Norvège, ayant le portrait du Shah de Perse enrichi de diamants et la médaille pour la campagne de Hongrie et la médaille commémorative des années 1853-1856 ; et,

Sa Majesté le Roi d'Espagne, Don Pedro Alvarez de Toledo y Acuna, Chevalier de l'Ordre Royal d'Espagne de Charles III, de François I<sup>er</sup> et de St. Ferdinand des Deux Siciles, son Chargé d'Affaires *ad interim* à St. Pétersbourg :

Lesquels, après s'être communiqué leurs pleins pouvoirs respectifs, trouvés en bonne et due forme, sont convenus des Articles suivants :—

ART. I. En cas de décès d'un Espagnol en Russie ou d'un Russe en Espagne, soit qu'il fût établi dans le pays, soit qu'il fût simplement de passage, les autorités compétentes du lieu du décès sont tenues de prendre, à l'égard des biens mobiliers ou immobiliers du défunt, les mêmes mesures conservatoires que celles qui, d'après la législation du pays, doivent être prises à l'égard des successions des nationaux, sous réserve des dispositions stipulées par les Articles suivants.

II. Si le décès a eu lieu dans une localité où réside un Consul-Général, Consul ou Vice-Consul de la nation du défunt, ou bien à proximité de cette localité, les autorités locales devront en donner immédiatement avis à l'autorité Consulaire pour qu'il puisse être procédé en commun à l'apposition des scellés respectifs sur tous les effets, meubles et papiers du défunt.

L'autorité Consulaire devra donner le même avis aux autorités locales, lorsqu'elle aura été informée du décès la première.

Si l'apposition immédiate des scellés paraissait nécessaire et que cette opération ne pût, pour un motif quelconque, avoir lieu en commun, l'autorité locale aura la faculté de mettre les scellés préalablement, sans le concours de l'autorité Consulaire, et *vice versa*, sauf à informer l'autorité qui ne sera pas intervenue et qui sera libre de croiser ensuite son sceau avec celui déjà apposé.

Le Consul Général, Consul ou Vice-Consul aura la faculté de procéder à cette opération, soit en personne, soit par un délégué dont il aura fait choix. Dans ce dernier cas, le délégué devra être muni d'un document émanant de l'autorité Consulaire, revêtu du sceau du Consulat et constatant son caractère officiel.

Les scellés apposés ne pourront être levés sans le concours de l'autorité locale et de l'autorité Consulaire ou de son délégué.

Il sera procédé de la même manière à la formation de l'inventaire de tous les biens mobiliers ou immobiliers, effets et valeurs du défunt.

Toutefois, si, après un avertissement adressé par l'autorité locale à l'autorité Consulaire, ou *vice versa* par l'autorité Consulaire à l'autorité locale, pour l'inviter à assister à la levée des scellés simples ou doubles et à la formation de l'inventaire, l'autorité à qui l'invitation a été adressée ne s'était pas présentée dans un délai de 48 heures à compter de la réception de l'avis, l'autre autorité pourrait procéder seule aux dites opérations.

III Les autorités compétentes feront les publications prescrites par la législation du pays relativement à l'ouverture de la succession et à la convocation des héritiers ou créanciers, sans préjudice des publications qui pourront également être faites par l'autorité Consulaire.

IV. Lorsque l'inventaire aura été dressé conformément aux dispositions de l'Article II, l'autorité compétente délivrera à l'autorité Consulaire, sur sa demande écrite et d'après cet inventaire, tous les biens meubles dont se compose la succession, les titres, valeurs, créances, papiers, ainsi que le testament s'il en existe.

L'autorité Consulaire pourra faire vendre aux enchères publiques tous les objets mobiliers de la succession susceptibles de se détriorer et tous ceux dont la conservation en nature entraînerait des frais onéreux pour la succession. Elle sera tenue, toutefois, de s'adresser à l'autorité locale, afin que la vente soit faite dans les formes prescrites par les lois du pays.

S'il existe des exécuteurs testamentaires n'ayant pas d'empêchement légal pour exercer leurs fonctions, et s'il est également constaté qu'il n'y a pas d'héritiers mineurs, absents ou incapables, l'autorité Consulaire s'abstiendra d'intervenir dans les opérations ultérieures

de la succession, laissant la plénitude de leurs attributions aux exécuteurs testamentaires.

V. L'autorité Consulaire devra conserver à titre de dépôt, demeurant soumis à la législation du pays, les effets et valeurs inventoriés, le montant des créances que l'on réalisera et des revenus que l'on touchera, ainsi que le produit de la vente des meubles, si elle a eu lieu, jusqu'à l'expiration du terme de six mois à compter du jour de la dernière des publications faites par l'autorité locale, relativement à l'ouverture de la succession, ou du terme de huit mois à compter du jour du décès, s'il n'a pas été fait de publication par l'autorité locale.

Toutefois l'autorité Consulaire aura la faculté de prélever immédiatement sur le produit de la succession les frais de dernière maladie et d'enterrement du défunt, les gages de domestiques, loyers, frais de justice et de Consulat et autres de même nature, ainsi que les dépenses d'entretien de la famille du défunt, s'il y a lieu.

VI. Sous la réserve des dispositions de l'Article précédent, le Consul aura le droit de prendre à l'égard de la succession mobilière ou immobilière du défunt toutes les mesures conservatoires qu'il jugera utiles dans l'intérêt des héritiers. Il pourra l'administrer, soit personnellement, soit par des délégués choisis par lui et agissant en son nom, et il aura le droit de se faire remettre toutes les valeurs appartenant au défunt qui pourraient se trouver déposées soit dans les caisses publiques, soit chez des particuliers.

VII. Si, pendant le délai mentionné à l'Article V, il s'élève quelque contestation à l'égard des réclamations qui pourraient se produire contre la partie mobilière de la succession de la part de sujets du pays ou de sujets d'une tierce Puissance, la décision concernant ces réclamations, en tant qu'elles ne reposent pas sur le titre d'hérédité ou de legs, appartiendra exclusivement aux tribunaux du pays.

En cas d'insuffisance des valeurs de la succession pour satisfaire au paiement intégral des créances, tous les documents, effets ou valeurs appartenant à cette succession devront, sur la demande des créanciers, être remis à l'autorité locale compétente, l'autorité Consulaire restant chargée de représenter les intérêts de ses nationaux.

VIII. À l'expiration du terme fixé par l'Article V, s'il n'existe aucune réclamation, l'autorité Consulaire, après avoir acquitté, d'après les tarifs en vigueur dans le pays, tous les frais et comptes à la charge de la succession, entrera définitivement en possession de la partie mobilière de la dite succession, qu'elle liquidera et transmettra aux ayants-droit, sans avoir d'autre compte à rendre qu'à son propre Gouvernement.

IX. Dans toutes les questions auxquelles pourront donner lieu l'ouverture, l'administration et la liquidation des successions des nationaux d'un des deux pays dans l'autre, les Consuls-Généraux,

Consuls, et Vice-Consuls respectifs représenteront de plein droit les héritiers, et seront officiellement reconnus comme leurs fondés de pouvoirs, sans qu'ils soient tenus de justifier de leur mandat par un titre spécial.

Ils pourront, en conséquence, se présenter, soit en personne, soit par des délégués choisis parmi les personnes qui y sont autorisées par la législation du pays, par devant les autorités compétentes pour y prendre, dans toute affaire se rapportant à la succession ouverte, les intérêts des héritiers, en poursuivant leurs droits ou en répondant aux demandes formées contre eux.

Il est toutefois bien entendu que les Consuls-Généraux, Consuls, et Vice-Consuls étant considérés comme fondés de pouvoirs de leurs nationaux, ne pourront jamais être personnellement mis en cause relativement à toute affaire concernant la succession.

X. La succession aux biens immobiliers sera régie par les lois du pays dans lequel les immeubles sont situés, et la connaissance de toute demande ou contestation concernant les successions immobilières appartiendra exclusivement aux tribunaux de ce pays.

Les réclamations relatives au partage des successions mobilières, ainsi qu'aux droits de succession sur les effets mobiliers laissés dans l'un des deux pays par des sujets de l'autre pays, seront jugées par les tribunaux ou autorités compétentes de l'État auquel appartenait le défunt et conformément aux lois de cet État, à moins qu'un sujet du pays où la succession est ouverte n'ait des droits à faire valoir à la dite succession.

Dans ce dernier cas, et si la réclamation est présentée avant l'expiration du délai fixé par l'Article V, l'examen de cette réclamation sera déferé aux tribunaux ou autorités compétents du pays où la succession est ouverte, qui statueront, conformément à la législation de ce pays, sur la validité des prétentions du réclamant et, s'il y a lieu, sur la quote-part qui doit lui être attribuée.

Lorsqu'il aura été désintéressé de cette quote-part, le reliquat de la succession sera remis à l'autorité Consulaire, qui en disposera à l'égard des autres héritiers conformément aux stipulations de l'Article VIII.

XI. Lorsqu'un Russe en Espagne ou un Espagnol en Russie sera décédé sur un point où il ne se trouve pas d'autorité Consulaire de sa nation, l'autorité locale compétente procédera, conformément à la législation du pays, à l'apposition des scellés et à l'inventaire de la succession. Des copies authentiques de ces actes seront transmises dans le plus bref délai, avec l'acte de décès et le passeport national du défunt, à l'autorité Consulaire la plus voisine du lieu où se sera ouverte la succession, ou, par l'intermédiaire du Ministère des Affaires Étrangères, au Représentant Diplomatique de la nation du défunt.

L'autorité locale compétente prendra à l'égard des biens laissés

par le défunt toutes les mesures prescrites par la législation du pays, et le produit de la succession sera transmis dans le plus bref délai possible, après l'expiration du délai fixé par l'Article V, aux dits Agents Diplomatiques ou Consulaires.

Il est bien entendu que dès l'instant que le Représentant Diplomatique de la nation du défunt, ou l'autorité Consulaire la plus voisine, aura envoyé un délégué sur les lieux, l'autorité locale, qui serait intervenue, devra se conformer aux prescriptions contenues dans les Articles précédents.

XII. Les dispositions de la présente Convention s'appliqueront également à la succession d'un sujet de l'un des deux États qui, étant décédé hors du territoire de l'autre État, y aurait laissé des biens mobiliers ou immobiliers.

XIII. Les gages et effets ayant appartenu aux matelots ou passagers de l'un des deux pays, morts dans l'autre pays, soit à bord d'un navire, soit sur terre, seront remis entre les mains du Consul de leur nation.

XIV. La présente Convention restera en vigueur jusqu'à l'expiration d'une année à partir du jour où l'une ou l'autre des Hautes Parties Contractantes l'aura dénoncée.

XV. La présente Convention sera ratifiée. Les ratifications en seront échangées à St. Pétersbourg le plus tôt que faire se pourra, et la Convention entrera immédiatement en vigueur.

En foi de quoi les Plénipotentiaires respectifs ont signé la présente Convention, et y ont apposé le cachét de leurs armes.

Fait à St. Pétersbourg, le 14 Juin de l'an de grâce 1876.

(L.S.) GIERS.

(L.S.) TOLEDO.

*TRAITÉ d'Extradition entre l'Allemagne et le Grand-Duché de Luxembourg.— Signé à Berlin, le 9 Mars, 1876.*

[Ratifications échangées à Berlin, le 10 Novembre, 1876.]

(Traduction.)

SA MAJESTÉ le Roi des Pays-Bas, Grand Duc de Luxembourg, d'une part, et Sa Majesté l'Empereur Allemand de l'autre, se sont convenus de conclure entre le Grand Duché de Luxembourg et l'Allemagne un Traité pour l'extradition réciproque des malfaiteurs, et ont nommé à cet effet pour leurs Plénipotentiaires, savoir :

Sa Majesté le Roi des Pays-Bas, Grand Duc de Luxembourg, M. le Dr. Paul Eyscheu, son Chargé d'Affaires pour le Luxembourg près Sa Majesté l'Empereur Allemand ;

Sa Majesté l'Empereur Allemand, M. Michelet von Frantzins, son Conseiller de Légation ;



Lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivants :—

ART. I. Les Hautes Parties Contractantes s'engagent par le présent Traité à se livrer réciproquement, dans tous les cas prévus par les clauses du dit Traité, les personnes réfugiées du Grand-Duché de Luxembourg en Allemagne et d'Allemagne en Luxembourg, qui, à cause d'un des faits ci-après énumérés, commis et punissables sur le territoire de la Partie Contractante, ont été, comme auteurs ou complices, condamnées ou mises en accusation, ou soumises à une poursuite judiciaire, savoir :

1. Pour meurtre, assassinat, empoisonnement, parricide et infanticide ;
2. Pour avortement volontaire ;
3. Pour exposition d'un enfant au-dessous de sept ans, ou abandon prémédité d'un tel enfant dans un état qui le prive de tout secours ;
4. Pour rapt ou recel d'un enfant au-dessous de sept ans et pour enlèvement, suppression, substitution ou supposition d'enfant ;
5. Pour enlèvement d'une personne mineure ;
6. Pour privation volontaire et illégale de la liberté individuelle d'une personne, commise par un particulier ;
7. Pour attentat à l'inviolabilité du domicile, commis par un particulier et punissable d'après la législation des deux pays ;
8. Pour menaces d'attentat contre la personne ou la propriété d'autrui, punissable de peines criminelles ;
9. Pour formation illégale d'une bande dans le but d'attenter aux personnes ou aux propriétés ;
10. Pour bigamie ;
11. Pour viol ;
12. Pour attentats à la pudeur avec violence ou avec menaces dans les cas prévus par la législation des deux pays ;
13. Pour attentat à la pudeur commis avec ou sans violence ou menaces sur la personne ou à l'aide de la personne d'un enfant de l'un ou de l'autre sexe, âgé de moins de 14 ans ;
14. Pour excitation habituelle à la débauche de personnes mineures de l'un ou de l'autre sexe ;
15. Pour coups portés ou blessures faites volontairement à une personne, qui ont eu pour conséquence une maladie paraissant incurable ou une incapacité permanente de travail ou la perte de l'usage absolu d'un organe, ou une mutilation grave, ou la mort sans l'intention de la donner ;
16. Pour vol, rapine et extorsion ;
17. Pour abus de confiance dans les cas prévus simultanément par la législation des deux Parties Contractantes ;
18. Pour escroquerie ou tromperie dans les cas qualifiés simul-

tanément par la législation des deux Parties Contractantes comme crime ou délit ;

19. Pour banqueroute frauduleuse et lésion frauduleuse à une masse faillie ;

20. Pour faux serment ;

21. Pour faux témoignage ou pour fausse déclaration d'un expert ou d'un interprète, dans les cas prévus simultanément par la législation des deux Parties Contractantes ;

22. Pour subornation de témoin, expert ou interprète ;

23. Pour faux en écritures ou dans des dépêches télégraphiques commis avec une intention frauduleuse ou à dessein de nuire, ainsi que pour usage de dépêches télégraphiques ou titres faux ou falsifiés fait avec connaissance et avec une intention frauduleuse ou à dessein de nuire ;

24. Pour destruction, dégradation, ou suppression volontaire et illégale d'un titre public ou privé commis dans le but de causer du dommage à autrui ;

25. Pour contrefaçon ou falsification de timbres, poinçons, sceaux ou marques dans le but d'en faire usage comme vrais, et pour usage fait avec connaissance de timbres, poinçons, sceaux ou marques contrefaits ou falsifiés ;

26. Pour fausse monnaie, comprenant contrefaçon et altération de monnaies de métal et de papier, et pour émission et mise en circulation avec connaissance de monnaies de métal ou de papier contrefaites ou altérées ;

27. Pour contrefaçon et falsification de billets de banque et autres titres d'obligations et valeurs en papier quelconques émis par l'État ou sous l'autorité de l'État, par des corporations, sociétés ou particulières, ainsi que pour émission et mise en circulation avec connaissance de ces billets de banque, titres d'obligations ou autres valeurs en papier contrefaits ou falsifiés ;

28. Pour incendie volontaire ;

29. Pour détournement et concussion de la part de fonctionnaires publics ;

30. Pour corruption de fonctionnaires publics dans le but de les porter à violer les devoirs de leur charge ;

31. Pour les faits punissables suivants des capitaines de navire et de gens de l'équipage sur des bâtiments de mer :

Pour destruction volontaire et illégale d'un navire ;

Pour échouement volontaire d'un navire ;

Pour résistance avec violences et voies de fait envers le capitaine par plus d'un tiers de l'équipage ;

32. Pour destruction volontaire et illégale, en tout ou en partie, de chemins de fer, machines à vapeur ou appareils télégraphiques ;

Pour entraves volontaires à la circulation d'un convoi sur le

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chemin de fer par le dépôt d'objets quelconques, par le dérangement des rails ou de leurs supports, par l'enlèvement de chevilles ou de clavettes, ou par l'emploi de tout autre moyen de nature à arrêter le convoi ou à le faire sortir des rails ;

33. Pour destruction ou dégradation volontaire et illégale de tombeaux ou monuments publics et d'objets d'art exposés en lieux publics, de constructions, denrées, marchandises ou autres propriétés mobilières, récoltes, plantes, arbres ou greffes, instruments d'agriculture, bestiaux ou autres animaux, dans les cas qualifiés simultanément par la législation des deux Parties Contractantes comme crimes ou délits ;

34. Pour recèlement d'objets obtenu sà l'aide d'un des crimes ou délits prévus par la présente Convention, lorsqu'il sera punissable d'après la législation des deux Parties Contractantes.

Néanmoins, lorsque le crime ou délit donnant lieu à la demande d'extradition aura été commis hors du territoire de la partie requérante, il pourra être donné suite à cette demande, pourvu que la législation du pays requis autorise, dans ce cas, la poursuite des mêmes faits commis hors de son territoire.

II. L'extradition aura aussi lieu pour la tentative des faits énumérés à l'Article I, lorsqu'elle est punissable d'après la législation des deux Pays Contractants.

III. Il ne sera livré, de la part d'un des Gouvernements de l'Empire Allemand, aucun Allemand au Gouvernement Luxembourgeois, et, de la part de celui-ci, aucun Luxembourgeois ne sera livré à un des Gouvernements de l'Empire Allemand.

Si l'individu réclamé n'est ni Allemand ni Luxembourgeois, le Gouvernement auquel l'extradition est demandée pourra informer de cette demande le Gouvernement auquel appartient le poursuivi, et si ce Gouvernement réclame, à son tour, le prévenu pour le faire juger par ses tribunaux, le Gouvernement auquel la demande d'extradition a été adressée pourra, à son choix, le livrer à l'un ou à l'autre Gouvernement.

IV. L'extradition n'aura pas lieu si la personne réclamée par le Gouvernement de l'un des États de l'Empire Allemand a été poursuivie et mise hors de cause ou est encore poursuivie ou a déjà été punie dans le Luxembourg, ou si la personne réclamée par le Gouvernement Luxembourgeois a été poursuivie et mise hors de cause ou est encore poursuivie ou a déjà été punie dans un des États de l'Empire Allemand pour le même acte punissable qui est cause de la demande d'extradition.

Lorsque la personne réclamée par un des Gouvernements de l'Empire Allemand est poursuivie en Luxembourg ou que la personne réclamée par le Gouvernement Luxembourgeois est poursuivie dans un des États de l'Empire Allemand à cause d'un autre acte

punissable, son extradition sera différée jusqu'à la fin de ces poursuites et l'accomplissement de la peine éventuellement prononcée contre elle.

V. Si un individu réclamé a contracté envers des particuliers des obligations que son extradition l'empêche de remplir, il sera néanmoins extradé, et il restera libre à la partie lésée de poursuivre ses droits devant l'autorité compétente.

VI. Les dispositions du présent Traité ne sont point applicables aux personnes qui se sont rendues coupables de quelque crime ou délit politique. La personne qui a été extradée à raison de l'un des crimes ou des délits communs mentionnés aux Articles I et II ne peut, par conséquent, en aucun cas, être poursuivie et punie dans l'État auquel l'extradition a été accordée à raison d'un crime ou délit politique commis par elle avant l'extradition, ni à raison d'un fait connexe à un semblable crime ou délit politique, ni à raison d'un crime ou délit non prévu par la présente Convention.

Ne sera pas réputé délit politique, ni fait connexe à un semblable délit, l'attentat contre la personne du chef d'un Gouvernement étranger ou contre celle des membres de sa famille, lorsque cet attentat constitue le fait soit de meurtre, soit d'assassinat, soit d'empoisonnement.

VII. L'extradition ne pourra avoir lieu si, depuis les faits imputés, le dernier acte de la poursuite judiciaire ou la condamnation qui s'en sera suivie, la prescription de l'action ou de la peine est acquise d'après les lois du pays dans lequel l'étranger se trouve au moment où l'extradition est demandée.

VIII. L'extradition d'un individu inculpé de l'un des actes punissables mentionnés aux Articles I et II sera accordée sur le fondement d'une sentence de condamnation ou sur le fondement d'une décision formelle du tribunal compétent pour la mise en état d'accusation ou l'ouverture de la poursuite ou sur le fondement d'une ordonnance édictée par le juge compétent par laquelle le renvoi de l'inculpé devant la juridiction répressive est formellement décrété, ou même d'un mandat d'arrêt ou d'un autre acte ayant la même force, décerné par l'autorité compétente et renfermant l'indication précise du fait incriminé et de la loi appliquée, pour autant que ces documents soient produits en original ou en expédition authentique dans les formes prescrites par la législation du Gouvernement qui demande l'extradition.

Les demandes d'extradition seront adressées par la voie diplomatique. Les correspondances et négociations pourront néanmoins se faire directement entre celui des Gouvernements de l'Empire Allemand qui est intéressé à l'extradition, et le Grand-Duché de Luxembourg.

IX. L'individu poursuivi ou condamné à raison de l'un des actes

punissables énumérés aux Articles I et II peut toutefois, en cas d'urgence, et notamment s'il y a danger de fuite, être provisoirement arrêté sur la production d'un mandat d'arrêt décerné par le Juge d'Instruction du lieu où se trouve l'inculpé. L'arrestation provisoire sera effectuée sur le fondement d'une communication officielle faite par l'autorité compétente du pays qui poursuit l'extradition, de l'existence d'un jugement ou arrêt de condamnation, d'un arrêt de la Chambre des Mises en Accusation, ou d'un mandat d'arrêt à charge de l'individu poursuivi.

Cette communication pourra avoir lieu dans le plus bref délai, même par voie télégraphique. Dans le cas où l'arrestation provisoire aura été opérée, l'individu arrêté provisoirement doit être mis en liberté, si, dans les 15 jours après son arrestation, il ne lui est notifié l'un des actes énumérés dans l'Article VIII de la présente Convention.

Ce délai sera de trois semaines si l'extradition est réclamée au nom de l'un des États faisant partie de l'Empire Allemand qui n'est pas limitrophe du Luxembourg, et réciproquement au nom du Luxembourg à l'un de ces États.

X. Tous les objets saisis qui, au moment de l'arrestation, se trouvent en possession de l'individu à extraditer, si l'autorité compétente de l'État requis en a ordonné la restitution, seront remis à l'État requérant, et cette remise s'étendra non seulement aux objets soustraits, mais à tout ce qui pourrait servir de preuve du crime.

Sont cependant réservés les droits des tiers sur les objets susmentionnés, qui devront leur être restitués sans frais après la fin du procès.

XI. Il est formellement stipulé que l'extradition par voie de transit d'un individu à livrer à l'une des Parties Contractantes à travers le territoire de l'autre partie sera accordée, sur la simple production, en original ou en expédition authentique, de l'un des actes de procédure mentionnés dans l'Article VIII ci-dessus, pourvu que le fait punissable servant de base à l'extradition soit prévu dans le présent Traité et ne rentre point dans les dispositions des Articles VI et VII qui précèdent.

XII. Les Parties Contractantes renoncent à requérir la restitution des frais qui leur surviennent du chef de l'arrestation et de l'entretien de l'individu à extraditer ou de son transport jusqu'à la frontière. Elles consentent, au contraire, de part et d'autre, à les supporter elles-mêmes.

XIII. Lorsque dans la poursuite d'une affaire pénale, pour des faits non compris sous le nom de crimes et délits politiques, une des Parties Contractantes jugera nécessaire l'audition de témoins se trouvant sur le territoire de l'autre partie, ou tout autre acte d'instruction, une commission rogatoire sera envoyée à cet effet, par la

voie diplomatique, et il y sera donné suite en observant les lois du pays où les témoins seront invités à comparaître ou l'acte devra avoir lieu. L'exécution de la commission rogatoire pourra être refusée si l'instruction a pour objet un acte qui n'est point punissable d'après les lois de l'État auquel la commission rogatoire est adressée, ou s'il s'agit de délits purement fiscaux.

Les Parties Contractantes renoncent de part et d'autre à toute réclamation par rapport à la restitution des frais qui résulteraient de l'exécution de la commission rogatoire, à moins qu'il ne s'agisse d'expertises criminelles, commerciales ou médico-légales exigeant plusieurs vacations.

XIV. Si, dans une cause pénale pour des faits non compris sous le nom de crimes ou délits politiques, la comparution personnelle d'un témoin est nécessaire, le Gouvernement du pays où réside le témoin l'engagera à se rendre à l'invitation qui lui en sera faite.

Dans le cas où le témoin se rend à l'invitation qui lui est faite, des frais de voyage et de séjour lui seront accordés, d'après les tarifs et règlements en vigueur dans le pays où l'audition devra avoir lieu ; il pourra lui être fait, sur sa demande, par les soins des Magistrats de sa résidence, l'avance de tout ou partie des frais de voyage, qui seront ensuite remboursés par le Gouvernement intéressé.

Aucun témoin, quelle que soit sa nationalité, qui, cité dans l'un des deux pays, comparaitra volontairement devant les Juges de l'autre pays, ne pourra y être poursuivi ni détenu pour des faits ou condamnations criminelles antérieurs, ni sous prétexte de complicité dans les faits objets du procès où il figurera comme témoin.

XV. Lorsque, dans une cause pénale, pour des faits non compris sous le nom de crimes ou délits politiques, la communication de pièces de conviction ou de documents se trouvant entre les mains des autorités de l'autre pays, ou la confrontation du prévenu avec des prévenus détenus dans l'autre pays, seront jugées nécessaires ou utiles, la demande en sera faite par la voie diplomatique et l'on y donnera suite, pour autant qu'il n'y ait pas de considérations spéciales qui s'y opposent, à la condition toutefois de restituer le plus tôt possible les pièces et les documents et de renvoyer les détenus.

Les Parties Contractantes renoncent, de part et d'autre, à requérir la restitution des frais résultant de l'envoi des pièces et documents, et du transport jusqu'à la frontière des personnes dont mention ci-dessus.

XVI. Les Parties Contractantes s'engagent à se communiquer réciproquement les jugements et arrêts de condamnation, pour crimes ou délits de toute espèce, qui auront été prononcés par les tribunaux de l'un des deux pays contre les sujets de l'autre. Cette

communication sera effectuée par voie diplomatique, moyennant l'envoi, en entier ou en extrait, du jugement prononcé et devenu définitif au Gouvernement du pays auquel appartient le condamné.

XVII. Le présent Traité entrera en vigueur dix jours après sa publication dans les formes prescrites par la législation des Parties Contractantes.

Depuis ce moment le Traité sur l'Extradition des Malfaiteurs conclu pour l'Alsace-Lorraine et le Grand-Duché de Luxembourg le 3 Juillet, 1872,\* ainsi que le Traité d'Extradition existant entre la Prusse et le Luxembourg, du 11 Mars, 1844, cessent d'être en vigueur.

Le présent Traité peut être dénoncé par chacune des Parties Contractantes, mais il demeurera encore en vigueur six mois après cette dénonciation.

Il sera ratifié, et les ratifications en seront échangées dans le délai de six mois, ou plus tôt si faire se peut.

En foi de quoi, les Plénipotentiaires respectifs l'ont signé et y ont apposé le cachet de leurs armes.

Fait à Berlin, le 9 Mars, 1876.

(L.S.) PAUL EYSCHEN.

(L.S.) MICHELET VON FRANTZIUS.

#### *Déclaration.*

Le Gouvernement Grand-Ducal Luxembourgeois et le Gouvernement Impérial Allemand sont convenus de proroger jusqu'au 20 Novembre de la présente année le délai de ratification de six mois, fixé dans le Traité qui a été signé par les Plénipotentiaires respectifs à Berlin, le 9 Mars, 1876.

En foi de quoi . . . . .

Luxembourg, le 3 Août, 1876.

(L.S.) F. DE BLOCHAUSEN.

Berlin, le 25 Août, 1876.

(L.S.) B. BULOW.

*CORRESPONDENCE between Great Britain and Peru, respecting the Imprisonment of British Subjects in Peru. (Case of the Talisman, &c.)—1875, 1876.*

[Continued from Vol. LXVI. Pages 315 to 394.]

*The Earl of Derby to Mr. St. John.*

SIR,

*Foreign Office, September 7, 1875.*

WITH reference to your despatch of the 13th of July, and to

previous correspondence, I have to state to you that Her Majesty's Government at length feel themselves compelled to remonstrate with the Government of Peru against the continued detention, without trial, of the British subjects taken on board the *Talisman*, and now in prison at Callao.

With regard to the vessel herself, Her Majesty's Government do not wish to interfere in any way. The circumstances in which she was captured render her justly amenable to Peruvian jurisdiction, and, although the proceedings with regard to her have been slow, they do not appear to afford any substantial ground for interference on the part of Her Majesty's Government.

Even as regards the men, Her Majesty's Government freely admit that they also are justly amenable to Peruvian jurisdiction; but, while admitting this, Her Majesty's Government must claim the right to see that British subjects do not suffer manifest injustice in a foreign country, even though such injustice may be inflicted in accordance with the forms of law; and it appears to Her Majesty's Government that the detention in prison for ten months, without trial, of persons who may be perfectly innocent of any intentional offence against the laws of Peru, is so flagrant an act of injustice as to entitle Her Majesty's Government to insist upon its immediate redress.

I have, therefore, to instruct you to address a note to the Peruvian Minister for Foreign Affairs in the sense of this despatch.

You will explain to his Excellency that Her Majesty's Government have no wish to screen any British subject who, after a fair trial, may be found guilty of a wilful offence against the laws of Peru; but you will point out that the majority, if not all, of the prisoners are common seamen, shipped in England, very unlikely to have been knowingly engaged in a plot against the Peruvian Government, and who were, probably, altogether ignorant of the nature of the voyage in which the *Talisman* was employed. You will point out further that, notwithstanding their probable innocence, they have already undergone a severe punishment by being imprisoned for ten months in a foreign prison, where they have suffered considerable hardships, and that there does not appear to be any immediate prospect of their release.

You will, therefore, urge his Excellency in the strongest manner to cause steps to be taken to bring these men to trial without further delay, in order that those who may be found innocent of wilful offence against the laws of Peru may be at once set at liberty.

I am, &c.,

DERBY.

Spencer St. John, Esq.



*Mr. St. John to the Earl of Derby.—(Received October 2.)*

MY LORD,

*Lima, August 24, 1875.*

IN my despatch of May 27 I informed your Lordship that an Englishman named Charles Morris, arrested June 1, 1873, had been condemned to 12 years in the Penitentiary. As his guilt appeared to me more than doubtful, I furnished him with legal assistance, and on appeal he was acquitted, as the evidence against him was not considered sufficient.

This case shows to what a person is exposed in this country. Morris remained in prison above two years, and was then acquitted, there being really no evidence against him. I put it in his power to leave the country immediately, for fear the fate of Bell and Stirling might befall him.

I cannot get the case of William Mitchell settled, although I have written or spoken to the Minister on the subject at least once a week. This man was arrested December 1, 1874, on a charge of arson. He is, however, the only British subject, except the crew of the *Talisman*, remaining in prison untried.

I have, &c.,

*The Earl of Derby.*

SPENSER ST. JOHN.

*Mr. St. John to the Earl of Derby.—(Received October 2.)*

MY LORD,

*Lima, August 25, 1875.*

IN my despatch of June 10 I informed your Lordship that the *Talisman* had been condemned as a good prize, but that an appeal had been lodged before the Supreme Court. It still pends there, and, although I have done all that I possibly could to urge the Government to expedite matters, the sentence has not been delivered; in fact, I believe that the Government have little influence in cases when once they are before the Courts.

With regard to the letter of Mr. C. Cameron, inclosed in your Lordship's despatch of July 14, 1875, I may notice that it is founded on erroneous information.

In Mr. March's despatch of December 26, 1874, he refers to the food furnished to the prisoners, and it is as good as could be expected, and I have never received any complaint from the crew of the *Talisman*, either as to the quality or the quantity of the provisions furnished to them. The prison consists not of cells, but of the large casemates in the Callao fortress; they are very gloomy, but spacious and airy, and the prisoners have a large courtyard in which to take exercise. I believe that the prisoners confined with the crew of the *Talisman* are those who are awaiting trial, and for a long time they were principally persons concerned in an insurrection in the south.

As to the visits of the Minister or Consul, Freeman is in error.

He writes on the 18th May that neither Mr. March nor I had visited the prison for four months; whereas in the second week of March I was there with the Consul of Callao, and carefully inspected the prison, and subsequently either Mr. March or some one from the Callao Consulate or this Legation has visited the prison almost weekly. I again visited the prison with Mr. March in July, but no complaints were made to me; but, at the request of those who were suffering from slight attacks of fever, they were sent to hospital. As the prisoners have free communication both with the Legation at Lima and the Consulate at Callao, they can readily bring their complaints to our notice, when they would be immediately attended to.

The men are naturally very weary of their long confinement, and fancy themselves very neglected and ill-used, particularly as at first they were buoyed up by the promises of immediate liberty made by the Judge in charge of the case and by the Secretary of State. I have, however, since I have been in charge of the Legation, always informed them that the Government intended to bring every one of them to trial, as from the first I felt assured that such was their intention.

Your Lordship may, however, feel assured that the case of these men has never been neglected either by my predecessor or by myself.

I have, &c.,

*The Earl of Derby.*

SPENSER ST. JOHN.

*Mr. March to the Earl of Derby.—(Received October 16.)*

MY LORD,

*Callao, September 7, 1875.*

As there appears to be much difficulty in England in comprehending the reasons of the delays in the legal proceedings instituted in this country against the steamer *Talisman*, perhaps the following remarks may not be considered superfluous:—

According to the evidence adduced, the first act of aggression on the part of the *Talisman* against Peruvian Law, was perpetrated at Pacasmayo, a port about 290 miles to the north of Callao, and it was there that the master and a portion of the crew who had landed, were made prisoners. The *Talisman* escaping from Pacasmayo with the harbour-master on board, next touched at Pacocha, an inlet some 420 miles south of Callao, and there, whilst engaged in discharging her warlike stores, was, with the remainder of the crew, captured by the Peruvian ship-of-war *Huascar*. The *Talisman* was immediately sent to Callao as a prize, whilst the prisoners remained for some time in two batches, one at Pacasmayo, and the other in the south. This, it is alleged, was the first cause of the long series of delays which have marked the case; for, before commencing proceedings against the ship, it was deemed necessary to

collect the prisoners and their evidence, and great difficulty would seem to have been experienced in effecting this. There was also evidence to be brought from the neighbouring Republic of Chile, and this likewise took up much time. At last the trial was concluded. Judgment was given against the ship, and the *Talisman* was declared a good prize. Had the case been allowed to stop here, the crew would, as I have reason to believe, have been discharged, or at the worst sentenced to leave the country; but the master or his lawyer lodged an appeal against the sentence, and thence the further delay in the termination of the proceedings. Should this appeal not prove satisfactory to the master he may, if so inclined, continue the present state of things by a further appeal to the Supreme Court—the highest in the country, and the decision of which is final. I do not, however, think he will do so. Such is the explanation given to me by the authorities. Thus your Lordship may observe that the master and the crew of the *Talisman* have not yet been placed upon their trial, and that a criminal prosecution against them depends entirely upon the issue of the action now pending against the ship. In the meantime it may be satisfactory to your Lordship to know that these imprisoned British subjects are as fairly well treated as is possible under the circumstances. Their case has, from the beginning, been under the direct supervision of Her Majesty's Legation at Lima, and this Consulate has been equally active in the matter. Nothing, however, that does not bring about their instant liberation seems to be appreciated. It was only yesterday that, on my representations, the "Callao British Benevolent Society," which I have the honour of presiding, very generously handed to me the sum of 40 dollars to be expended on behalf of these men. This I have done in conjunction with Dr. Watson, the Board of Trade Medical Inspector, who has been most attentive to them. In the same locality with these British subjects are confined several Peruvian officers, of whom two are captains and three lieutenants. There was also a colonel at one time, but he has since been removed. Mr. Haddock, the master, has far better accommodation than many a Peruvian prisoner of a higher category. He has a room to himself, and when I last saw him—three days ago—he was reposing on a comfortable couch in a roomy and clean apartment. It is also but fair to the gaol authorities to add, that not only have they never thrown any obstacles in the way of my seeing the prisoners and examining every part of their habitation, but have always attended in the most courteous spirit to any suggestions or requests I made on behalf of my countrymen.

I have, &c.,

*The Earl of Derby.*

EDWARD MARCH.

*Mr. St. John to the Earl of Derby.—(Received October 16.)*

MY LORD,

*Lima, September 11, 1875.*

I HAVE the honour to inform your Lordship that the prisoner William Mitchell, accused of arson, referred to in my despatch of August 24, has at length been set at liberty. He is the last of those whom on my arrival I found in prison accused of criminal offences. It shows the system of procedure followed in this country, that these four men could be kept in prison for terms varying from two years to ten months, and then be discharged for want of proof of their criminality. Had I not called the Secretary of State's attention to these cases on the average once a week, it is probable that these men would be still in prison.

I have, &c.,

*The Earl of Derby.*

SPENSER ST. JOHN.

*Mr. St. John to the Earl of Derby.—(Received October 30.)*

MY LORD,

*Lima, September 27, 1875.*

I HAVE the honour to report to your Lordship that the Court of Appeal on the 21st instant gave judgment in the case of the *Talisman*, sustaining the sentence of the Inferior Court as far as it related to the condemnation of the ship and cargo, but disallowing that which related to the crew. The captain, officers, and men are placed at the disposal of the Government. This sentence will have to be revised by the Supreme Court.

On the 25th instant I obtained a copy of the judgment, and I determined to make a personal appeal to his Excellency the President in favour of the crew. I am happy to say that I partially succeeded. His Excellency, after reading the sentence, stated that the Government could not pass over the conduct of the captain, chief officer, and chief engineer, but that he would accede to my request as far as concerned the rest of the officers and the men, and that they should be set at liberty as soon as certain formalities had been fulfilled. I inquired whether I might communicate officially this decision to Her Majesty's Government, and the President answered, "Certainly."

I did not press the matter as regards the master and the two officers excepted, as I saw that for the present it would be useless; but as soon as the others are at liberty, I will endeavour to obtain at least the release of the two officers.

When the affair is concluded I will forward certain official documents to your Lordship.

I have, &c.,

*The Earl of Derby.*

SPENSER ST. JOHN.

*Mr. St. John to the Earl of Derby.—(Received November 13.)*

MY LORD,

*Lima, October 11, 1875.*

IN my despatch of the 27th of September I informed your Lordship that his Excellency the President has decided to set the crew of the *Talisman* at liberty, with the exception of the master and two others. I am informed that the order to that effect had actually been signed, when the master, through his advocate, appealed against the sentence, and the Government declare that, until the appeal be decided, they cannot legally liberate the crew; but that, should the sentence of the Superior Court be confirmed, the crew shall be set at liberty on the condition of quitting the country immediately. The men are endeavouring to persuade the master to withdraw the appeal, but I fear that his obstinate character will induce him to persevere.

I have, &c.,

*The Earl of Derby.*

SPENSER ST. JOHN.

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*The Earl of Derby to Mr. St. John.*

SIR,

*Foreign Office, November 16, 1875.*

I HAVE received your despatches of the 27th September relative to the case of the crew of the *Talisman*.

In reply to your despatch of the 27th September I have to state to you that, in the circumstances explained therein, I approve your having abstained from communicating officially to the Peruvian Government my despatch of July 3.

From your further despatch of the 27th September it appears that the captain, officers, and crew of the *Talisman* had been placed, by a judgment of the Court of Appeal, at the disposal of the Government, and that the President had promised you that—although the conduct of the captain, chief officer, and chief engineer would not be passed over—the rest of the officers and the crew should be set at liberty as soon as certain formalities had been fulfilled.

I have not yet heard from you whether the promise of his Excellency has been carried out; but, on the supposition that it has, I have to instruct you to thank his Excellency personally for the goodwill shown by him in promising to release the men in question as soon as they were placed at his disposal.

If, as I hope, the men have been released, you will probably have abstained from acting upon my despatch of the 7th of September, and it will be unnecessary for you to do so now. You will, however, communicate confidentially to the President the instructions contained therein, and you will say to his Excellency that, although it is happily no longer necessary for you to act upon those instructions, you have been directed to communicate them to him confidentially

in order to show him the danger to which the friendly relations between Great Britain and Peru may be exposed by the lengthened detention of British subjects in Peru without trial.

You will also express strongly to the President the hope of Her Majesty's Government that the case of the officers still under detention may be decided upon, and without delay; and that in the event of their being considered liable to punishment, the long imprisonment they have undergone may be taken into consideration.

I am unwilling to suppose that the President has failed to carry out his promise that the inferior officers and crew should be released; but if such should, unhappily, be the case, it will then be your duty to act upon my despatch of the 7th of September, and to remonstrate in the strongest terms against the prolonged detention of these men.

I am, &c.,

*Spenser St. John, Esq.*

DERBY.

P.S.—Since writing the above, I have received your telegram of November 5, from which it appears that the crew of the *Talisman* had not been released up to that date, and I have to express to you the very great regret with which I have received this intelligence.—D.

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*Mr. St. John to the Earl of Derby.—(Received November 29.)*

MY LORD,

*Lima, October 23, 1875.*

I HAVE the honour to acknowledge the receipt of your Lordship's despatch of the 7th ultimo, on the subject of the continued detention, without trial, of the British subjects taken on board the *Talisman*, and now in prison in Callao.

I went last night to see his Excellency the President, and he again gave me his word that the crew should be released immediately if the Supreme Court confirmed the sentence of the Superior Court.

In conversing with the Secretary of State for Foreign Affairs on this subject, he reminded me that from the month of April last to the present date, the delays have been entirely caused by the action of the defence, and this is undoubtedly true, though most of the men have nothing to do with the appeals.

It is expected that the Supreme Court will give its decision either to-day or early next week.

Under these circumstances I have thought it unnecessary to communicate your Lordship's despatch to the Government, but if any further delay on the part of the authorities take place I will do so.

I have, &c.,

*The Earl of Derby.*

SPENSER ST. JOHN.

*Consul March to the Earl of Derby.—(Received November 29.)*

MY LORD,

Callao, October 28, 1875.

IN the absence of Mr. S. St. John, who embarked at Callao on the 23rd instant for Bolivia, I have the honour to report that your Lordship's telegram dated the 21st of October reached Lima on the 26th.

The archives of the Legation not having been left in my charge, I am unable to refer to the despatch quoted by your Lordship; but under the supposition that it related to the case of the *Talisman*, I immediately called upon the Peruvian Minister for Foreign Affairs to ascertain whether, since the departure of Mr. St. John, he had anything new to communicate upon the subject. He said he had heard nothing further in the matter, and that if I would call on the following day he would be in a position to give me more definite information. I did so, and Señor de la Torre then told me that he was momentarily expecting the decision of the Supreme Court, and that if it confirmed the one given by the Lower Court, the crew of the *Talisman* would be immediately set at liberty; otherwise the Government would be guided in their further action by the terms of that new verdict.

From other sources I learn that the hearing of this last appeal has been somewhat delayed by two of the judges declining, from motives of delicacy or conscience, to take part in the proceedings, but that, notwithstanding, the final decision will be given in the course of 10 or 12 days.

Having ascertained these matters, I telegraphed your Lordship's message to Mr. St. John, who had not yet landed at Islay, so that he might satisfy your Lordship on that portion of his proceedings, of which I was necessarily in ignorance.

I have, &c.,

*The Earl of Derby.*

EDWARD MARCH.

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*The Earl of Derby to Mr. St. John.*

SIR,

Foreign Office, December 2, 1875.

I HAVE received your despatch of the 23rd of October, and have to state to you that, under the circumstances therein reported, I approve your having deferred acting on my despatch of September 7, in regard to the case of the *Talisman*.

I am, &c.,

Spenser St. John, Esq.

DERBY.

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*Consul March to the Earl of Derby.—(Received December 14.)*

MY LORD,

Callao, November 10, 1875.

IN the absence of Mr. St. John in Bolivia, I beg leave to confirm the telegram I addressed to your Lordship on the 5th instant, in

reply to the one I received on that day concerning the crew of the *Talisman*. My message was worded as follows:—"President promises release crew when Court Appeal pronounces sentence. This daily expected. Will telegraph release."

I have now the honour to report to your Lordship that the appeal has been heard, and that I am momentarily expecting a communication from Señor de la Torre, acquainting me with the result.

I have, &c.,

*The Earl of Derby.*

EDWARD MARCH.

*Consul March to the Earl of Derby.—(Received December 14.)*

MY LORD,

*Callao, November 14, 1875.*

I HAVE the honour to inclose a translation of a letter I received last night from the Peruvian Minister for Foreign Affairs, by which your Lordship will see that the Supreme Court have confirmed the sentence pronounced by the Lower Court in the case of the *Talisman*, and decided that the ship is a good prize, and that the crew, exclusive of the master and officers, who are to be placed on their trial, are to be released.

Notwithstanding its being Sunday, I will endeavour to have the men set at liberty at once. The mail-steamer being on the point of departure, I am unable to communicate further by this opportunity.

I have, &c.,

*The Earl of Derby.*

EDWARD MARCH.

*(Inclosure.)—Señor de la Torre to Consul March.*

(Translation.)

MY VERY ESTEEMED FRIEND,

*Lima, November 13, 1875.*

I HAVE just learned that the Supreme Court has to-day given judgment in the case of the *Talisman*, confirming the sentence which declares the ship a good prize, and ordering the criminal trial to be continued against the captain and the mates, and that the rest of the crew be placed at liberty.

Yours, &c.,

*E. B. March, Esq.*

A. V. DE LA TORRE.

*Mr. St. John to the Earl of Derby.—(Received December 14).*

MY LORD,

*Lima, October 19, 1875.*

I HAVE the honour to acknowledge the receipt of your Lordship's despatch of the 18th of August last, with an inclosure from Mr. Blair, which, having been sent viâ the Straits of Magellan, only reached me yesterday.

Mr. Blair states that he has heard from his son, and has also seen an account published by Mr. Ross, a brother of one of the prisoners, that the crew of the *Talisman* are inhumanly treated by.



the Peruvian Government, but he does not state in what that inhumanity consists.

If the crew be inhumanly treated, they have never on any occasion made a complaint to me on the subject, either by letter or during the three visits I have paid them. I inclose six letters from different members of the crew, and all the others that I have received have been in the same strain.

As I have before observed, the casemates in which the prisoners are confined are very gloomy, and have lately been unequivocally condemned by one of the principal Judges; but though totally unfit to be used as a gaol, I do not think that the prisoners would be more content in an ordinary prison, where there would be much more restraint.

I do not understand what the crew of the *Talisman* expect the Consul at Callao to do for them. Any complaint addressed to him would be forwarded to me, and by me to the Government; but no complaint, as I have before observed, had reached me, except the constant complaint that they are unjustly detained in prison.

I have, &c.,

*The Earl of Derby.*

SPENSER ST. JOHN.

*Consul March to the Earl of Derby.—(Received January 17, 1876.)*

MY LORD,

*Callao, November 23, 1875.*

ON the 17th instant I did myself the honour of addressing to your Lordship a telegram worded as follows:—

“*Talisman* crew released. Home [in] January. Captain Sibley [and] King [still] imprisoned.”

I have now the satisfaction of reporting to your Lordship that I have this day shipped these 18 distressed British seamen in the Pacific Steam Navigation Company's steamer *Briannia*, which is due at Liverpool on the 20th of January next.

The master and the two mates have been committed for trial.

I have, &c.,

*The Earl of Derby.*

EDWARD MARCH.

*Consul March to the Earl of Derby.—(Received January 17, 1876.)*

MY LORD,

*Callao, December 4, 1875.*

ON the 23rd ultimo I did myself the honour of addressing a despatch to your Lordship, confirming the telegram in which I announced the release of the crew of the *Talisman*, and the commitment for trial of the master and the two mates. Though several weeks have now elapsed since the Supreme Court delivered judgment, I regret to state that the examination of the accused has not yet commenced. I called on the President on the morning of the

2nd instant, and represented to him, in a friendly manner, the hardship and injustice of detaining these British subjects, imprisoned under such circumstances; pointing out at the same time that a proceeding of this nature appeared to be a violation of the Constitution of Peru, and a breach of the law which the Penal Code describes as an abuse of authority, and renders punishable accordingly. I added that I feared, if this state of things continued, it would result in strong remonstrances from Her Majesty's Government. His Excellency expressed surprise at the delay in the trial, and promised to see into the matter.

Yesterday I visited the Minister of Foreign Affairs on the same subject, but lacking as I do a representative character, and Her Majesty's Minister being on duty in Bolivia, my statements were regarded as entirely private. Under the circumstances I deemed it prudent not to continue the conversation, and to reserve the subject matter of it for a written communication to the subordinate authorities at Callao in the event of the prisoners' trial not commencing within a few days.

I have, &c.,

*The Earl of Derby.*

EDWARD MARCH.

*Consul March to the Earl of Derby.—(Received January 17, 1876.)*

MY LORD,

*Callao, December 12, 1875.*

In consequence of the continuance of the delay in the trial of the master and mates of the *Talisman*, as already reported to your Lordship, I deemed it my duty to address a communication on the subject to the Prefect at Callao, a copy of which I have the honour to inclose.

I have now the satisfaction of reporting to your Lordship that the Judge has proceeded to the prison and is dealing with the case.

I have, &c.,

*The Earl of Derby.*

EDWARD MARCH.

*(Inclosure.)—Consul March to the Prefect of Callao.*

SIR,

*Callao, December 8, 1875.*

It is with extreme regret that I find myself under the unavoidable necessity of requesting your attention to the serious fact that although 25 days have now elapsed since the Supreme Court gave judgment in the case of the *Talisman*, and committed the master and the two mates for trial, the examination of these unfortunate men has not yet commenced. I must take leave to protest against so grievous a proceeding. These persons have been in prison upwards of one year awaiting their trial; their health has been seriously impaired, and their moral condition is becoming lamentable, by the suspense in which they are kept and the hardships which they have suffered.

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Article 17 of the Constitution of Peru\* requires that any arrested person shall, under any circumstances, be placed at the disposal of the Judge within 24 hours, and the Penal Code, by paragraph 6, Article 168, renders punishable, as an abuse of authority, the detention without trial of any accused individual beyond those 24 hours. Article XVI of the Treaty existing between Peru and the United States of America states:—"No citizen of either Republic shall be imprisoned without a warrant of imprisonment, except in cases of *in flagrante delicto*, and in every case he will be brought before a Judge or other judicial authority within 24 hours from the time of his arrest, and if, within that period, his declarations have not been taken, he will immediately be placed at liberty."†

I pray you to give this matter the attention it deserves, and to accept, &c.

*The Prefect of Callao.*

EDWARD MARCH.

*Mr. St. John to the Earl of Derby.—(Received February 19.)*

(Extract.)

*Lima, January 12, 1876.*

THE evening before my departure for Bolivia I saw the President of Peru and as I reported in despatch of October 23, 1875, his Excellency renewed his promise to set the crew of the *Talisman* at liberty should the last Court of Appeal confirm the decision of the Superior Court. I did not doubt for an instant that his Excellency would keep his word, and therefore left no further directions with Mr. March than to ship the men to England the moment they were set at liberty. Though the decision of the Court of Appeal was delayed beyond the time that the advocate for the defence expected, yet the moment it was given, the President ordered the crew to be discharged from prison, and Mr. March shipped them for England, where it is probable they have already arrived.

In Peru the feeling against the officers and men of the *Talisman* was very strong; and naturally so, when it is remembered the hundreds of lives which were lost, the millions of dollars expended, and how the short but fierce civil war lowered the credit of the nation. And all these misfortunes, the Peruvians said, brought upon the country by a vessel sailing under the English flag, and manned by an English crew. The feverish excitement produced by this expedition has not yet subsided, and constant revolutionary movements take place in the south; two attempts even within the last week.

This strong feeling on the part of the Peruvians on the subject of the expedition of the *Talisman* does not excuse the great delays which have taken place in ending the trial, though they have pro-

\* August 29, 1867. Vol. LVIII. Page 509.

† September 6, 1870. Vol. LXI. Page 1289.

ably been very favourable to the crew, who early last year would, if tried, have been most probably all condemned.

The trial of the three officers of the *Talisman* appears to make but slow progress, the Secretary of State for Foreign Affairs answering every remonstrance by the stereotyped reply that the executive cannot interfere with the judicial power.

*The Earl of Derby.*

SPENSER ST. JOHN.

*Mr. St. John to the Earl of Derby.—(Received February 19.)*

MY LORD,

*Lima, January 12, 1876.*

I HAVE the honour to acknowledge the receipt of your Lordship's despatch of November 16, 1875, directing me to communicate to the President the instructions contained in despatch of September 7, 1875.

I saw his Excellency by appointment last evening, and communicated my instructions confidentially to him; he paid the greatest attention to the subject, and appeared deeply moved. He, after a pause, said: "I must beg you to transmit to Lord Derby, word for word, my opinion of this communication, and that is: that it is very discourteous ('muy poco cortés') both to myself, personally, and to my Government, after the steps we have taken to free the men. Had such a ship been captured landing an armed expedition on the British coast, the whole of the crew would have been hung up at the yard-arm."

I told his Excellency I thought he was mistaken in the views he had expressed; that there was no discourtesy intended, that it was to show him to what dangers our friendly relations were exposed by the long and unnecessary detention of untried British subjects in Peruvian prisons, and that the despatch did not only refer to the crew of the *Talisman*, but to such cases as that of the man Morris, who had been kept 25 months in prison on a charge of murder, and at the end of that time had been declared innocent.

His Excellency replied that the delays of the old Spanish procedure unfortunately clung to their system; that he had endeavoured to persuade three Congresses to reform the Courts, but without success; and that much of the delay in the affair of the *Talisman* arose from the prisoners themselves, who had appealed from Court to Court, and whose advocates had interposed to create further delays. This is, no doubt, partly true in the *Talisman* case, but not in those of other British prisoners who have been kept from ten months to two years before their innocence has been acknowledged.

His Excellency promised to do his best to expedite the trial of the three officers of the *Talisman*, but before I left he reiterated his impression that he had been treated with want of courtesy, not in the manner in which the communication had been made, but in the

substance of the communication itself. This irritation may soon pass away, but the impression produced by the opinion expressed by Her Majesty's Government will probably be more permanent, and will have, I hope, a lasting effect on the conduct of the Peruvian authorities.

I have, &c.,

*The Earl of Derby.*

SPENSER ST. JOHN.

P.S.—Since writing the above I have received a private letter from the Secretary of State for Foreign Affairs, to which I have replied. I inclose copies of both. Should this irritation cause the prisoners to be detained much longer without trial, I will again bring the subject officially before the Peruvian Government, and remonstrate strongly against the injustice of their conduct.

S. S. J.

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(*Inclosure 1.*)—*Señor de la Torre to Mr. St. John.*

(Private.)

(Translation.)

MY ESTEEMED MR. ST. JOHN,

*Lima, January 12, 1876.*

ALTHOUGH his Excellency the President, in the conference which you requested him to grant you, expressed last night his opinion relative to the injustice, inopportunity, and discourtesy of the document which you read to him by order of your Government, respecting the trial of the crew of the *Talisman*, he has charged me to inform you that this circumstance will prevent him from continuing to exercise, as he did before at your request, and in so far as the limit of his functions allowed, his personal action in favour of the crew of the *Talisman*, and that in future he will feel obliged by your treating through the Minister of Foreign Affairs all matters which, in the opinion of the British Government, ought to be treated by my Government in favour of those (British) subjects.

I have, &c.,

*Spenser St. John, Esq.*

A. V. DE LA TORRE

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(*Inclosure 2.*)—*Mr. St. John to Señor de la Torre.*

MY DEAR M. DE LA TORRE,

*Lima, January 12, 1876.*

I HAVE to acknowledge the receipt of your note of this day's date. I think that on further consideration his Excellency will take a different view of the communication which I was instructed by Her Majesty's Government confidentially to make to him, and that he will not withdraw his promise to use his personal influence to expedite the trial of the three officers of the *Talisman*, now in prison in Callao. You must remember that they have been 15 months in Casus Matas.

With regard to any future personal communication with his Excellency the President, you must not forget that I have to obey

the orders of my Government, and if I receive orders to communicate an opinion of Her Majesty's Government personally to his Excellency, I must apply for an interview, and it is for his Excellency to accord or refuse it, as it may appear to him expedient.

I am, &c.,

*Señor de la Torre.*

SPENSER ST. JOHN.

*Mr. St. John to the Earl of Derby.—(Received March 1.)*

MY LORD,

*Lima, January 27, 1876.*

IN my despatch of January 12 I reported to your Lordship my intention to remonstrate with the Peruvian Government if the master and officers of the *Talisman* were not immediately brought to trial. I have commenced the correspondence, and if I obtain no result from my first letter I will push the Government as far as my instructions permit. I regret to have to say that it appears to me that the Government of President Pardo will do nothing to terminate this affair without the strongest pressure.

I have, &c.,

*The Earl of Derby.*

SPENSER ST. JOHN.

*The Earl of Derby to Mr. St. John.*

SIR,

*Foreign Office, March 14, 1876.*

I INCLOSE herewith copy of a letter from Mr. John King, and of the answer I have caused to be returned thereto, relative to the case of his son, late second mate of the *Talisman*, who is one of the three officers of that vessel still detained in Peru.

I do not doubt that you have done all that you properly can to hasten the trial of the three officers in question, and if the proceedings have not been concluded when this despatch reaches you, you will continue to use your best efforts on their behalf.

I have already instructed you to express the hope of Her Majesty's Government that the long imprisonment undergone by these men before trial may be borne in mind by the Peruvian Government in their favour; and I have now to desire that you will point out, as an additional argument for the favourable consideration of King's case, that he was not one of the three officers whom the Peruvian Government at first contemplated detaining after the release of the crew.

I am, &c.,

*Spenser St. John, Esq.*

DERBY.

*Mr. St. John to the Earl of Derby.—(Received March 16.)*

MY LORD,

*Lima, February 12, 1876.*

I HAVE the honour to forward to your Lordship the copy of a correspondence which has passed between the Secretary of State and myself on the subject of the trial of the officers of the *Talisman*.

From the inquiries I made, I found that in reality nothing was being done to expedite the trial; that the Judge declared he had been waiting nearly two months for some depositions from Pacasmayo—a town within at most two days' steaming from the capital; and that the authorities, although conforming to the law, could prolong the trial at their pleasure. I therefore thought that as the Peruvian Government would pay no attention to private expostulations, I would officially remonstrate against the vexatious and unnecessary delays in the trial of these three British subjects, and I will continue to remonstrate until I see that a real effort is made to conclude the trial.

The Secretary of State protests against my using the words "unnecessary and vexatious delays," but there can be no doubt that the trial would have been long ago terminated had the authorities used the least diligence in the matter.

I will not stop the correspondence I have commenced until the trial be concluded, particularly as I have heard that, since the commencement of this interchange of despatches, the Government have urged the Judges to use greater diligence.

I have, &c.,

*The Earl of Derby.*

SPENSER ST. JOHN.

(Inclosure 1.)—*Mr. St. John to Señor de la Torre.*

EXCELLENCY,

*Lima, January 22, 1876.*

I SHOULD feel much obliged if your Excellency would inform me whether Mr. Haddock, master, and Messrs. Sibley and King, mates of the steamer *Talisman*, who were taken prisoners in October 1874, have been brought to trial, and if not, when it is the intention of the Peruvian Government to do so.

Accept, &c.,

*Señor de la Torre.*

SPENSER ST. JOHN.

(Inclosure 2.)—*Señor de la Torre to Mr. St. John.*

(Translation.)

*Lima, January 24, 1876.*

I HAVE only this day received your Excellency's despatch dated the 22nd, in which you request to be informed as to whether Messrs. Haddock, Sibley, and King, of the steamer *Talisman*, have been submitted to trial, and I at once asked the Judge who is charged with the criminal case which was ordered to be instituted after the decision of the Prize Court to inform me of the date on which the trial was to have begun. As soon as I receive this information I shall hasten to communicate it to your Excellency.

In the meantime, I have, &c.,

*Spenser St. John, Esq.*

A. V. DE LA TORRE.

(*Inclosure 3.*)—*Mr. St. John to Señor de la Torre.*

EXCELLENCY,

*Lima, January 31, 1876.*

I HAVE the honour to request that your Excellency will be good enough to answer my despatch of the 22nd instant, in which I inquired whether Mr. Haddock, master, and Messrs. Sibley and King, mates of the *Talisman*, who were taken prisoners in October 1874, have been brought to trial, and, if not, when it is the intention of the Peruvian Government to do so.

Accept, &c.,

*Señor de la Torre.*

SPENSER ST. JOHN.

(*Inclosure 4.*)—*Señor de la Torre to Mr. St. John.*

(Translation.)

*Lima, January 31, 1876.*

REPLYING to your Excellency's despatch dated to-day, which I have just received, and in view of the information which I duly asked for from the Judge of First Instance of Callao, respecting the men on trial from the *Talisman*, I have the pleasure to inform your Excellency that on the 1st of December last the criminal case ordered to be instituted against Captain Haddock, and the mates, Sibley and King, was begun; their preliminary depositions were taken on the 10th of the same month, as it was only on that date that the certified copies ordered by the Supreme Tribunal were sent to the Judge of Crime. Since then despatches have been sent to Pacasmayo to obtain important evidence, and I can assure your Excellency that the case is proceeding in accordance with the laws of the country.

I have, &c.,

*Spenser St. John, Esq.*

A. V. DE LA TORRE.

(*Inclosure 5.*)—*Mr. St. John to Señor de la Torre.*

EXCELLENCY,

*Lima, February 3, 1876.*

I HAVE the honour to acknowledge the receipt of your Excellency's despatch of the 31st January, 1876, in which you inform me that the trial of Captain Haddock and Messrs. Sibley and King, mates of the *Talisman*, commenced on the 1st December, 1875, and that it still continues.

Two months have now elapsed, and the trial does not appear to be advancing in the slightest degree. I feel it therefore my duty to remonstrate against these delays, which, though they may be according to the wording of the laws of the country, are evidently against their spirit, which enjoins magistrates to use every diligence in criminal cases. The three officers of the *Talisman* have now been in prison 16 months, and there appears no prospect of the case being settled, unless the Peruvian Government will use their legitimate influence to accelerate proceedings.



The Court is said to be waiting for the depositions from Pacasmayo, but as Pacasmayo is within a day's journey of the capital, it is impossible that two months could be required to obtain these depositions, however important.

I, therefore, in the name of Her Majesty's Government, must express the hope that the case of the officers still under detention may be decided upon without further delay, and that in the event of their being condemned to punishment the long imprisonment they have already undergone may be taken into consideration.

Accept, &c.,

*Señor de la Torre.*

SPENSER ST. JOHN.

(*Inclosure 6.*)—*Señor de la Torre to Mr. St. John.*

SIR,

(Translation.)

*Lima, February 4, 1876.*

I HAVE the honour to acknowledge the receipt of your despatch dated yesterday, relative to the trial of the captain and mates of the *Talisman*.

Assuring your Excellency that, in conformity with the laws, the prompt termination of this trial has been urged, I will only permit myself to recall to memory that the Province of Pacasmayo, where some evidence is to be taken, is not situated, as your Excellency is pleased to insinuate, at one day's journey from this capital, but is more than 350 miles distant from it.

With this reason, I have, &c.,

*Spenser St. John, Esq.*

A. V. DE LA TORRE.

(*Inclosure 7.*)—*Mr. St. John to Señor de la Torre.*

EXCELLENCY,

*Lima, February 7, 1876.*

I HAVE just heard from Callao that Judge Suero, charged with the trial of the officers of the *Talisman*, has not yet received the important declarations from Pacasmayo, to which your Excellency refers in your despatch of the 31st January. As Pacasmayo is, as your Excellency informs me, only 350 miles from the capital, and connected with Callao by steam communication, the delay in sending this documentary evidence appears both unnecessary and vexatious. I cannot but again remind your Excellency that these prisoners have been confined in the Casas Matas of Callao for the last 16 months, undergoing great sufferings in a place which has been condemned by one of your superior Judges as totally unfitted for the purposes to which it is applied. Though the forms of law may be observed in the conduct of this trial, I cannot but notice with much regret that these prisoners have been treated with great injustice, as their trial has been prolonged simply because no adequate effort has been made to obtain the evidence necessary to conclude it.

I must therefore request that the Peruvian Government will use their best efforts to close a case which has remained far too long in suspense.

Accept, &c.,

*Señor de la Torre.*

SPENSER ST. JOHN.

(*Inclosure 8.*)—*Señor de la Torre to Mr. St. John.*

SIR,

(Translation.)

*Lima, February 10, 1876.*

YESTERDAY afternoon I received your despatch dated the 7th instant, in which you again occupy yourself with the criminal trial of the captain and mates of the *Talisman*.

From my note of the 4th instant, to which your Excellency refers, you will no doubt have gathered that, in accordance with the provisions of the law, the quick termination of this trial has been recommended.

In fact, the matter having been submitted to the tribunals, the Government cannot interfere with their action, and must limit themselves to requesting the Judges, as they have done on other occasions, to despatch the matter promptly; but it follows its course according to legal procedure.

This despatch would terminate here, if I did not find myself obliged to state that I do not and cannot admit, in any case, that your Excellency should qualify as "unnecessary and vexatious" what you consider to be delay in obtaining evidence from the Province of Pacasmayo, and that you should maintain that the prisoners have been treated with great injustice. On many occasions the absence of witnesses and a thousand other circumstances may delay the return of the Commission sent to receive the evidence at places outside the scene of trial. The importance of the evidence is solely and exclusively a matter for the consideration of the Judge, and no one can prejudge the matter. With respect to the treatment of the prisoners, I would remind your Excellency that the Legation was convinced that they were well treated, and that they were detained in a good place, very different from that destined for condemned prisoners. Apart from all this, I was in hopes that the harmony which exists between Peru and Great Britain would have sufficed to avoid the use of the expressions I have pointed out, and against which I am under the necessity of protesting.

Accept, &c.,

*Spenser St. John, Esq.*

A. V. DE LA TORRE.

(*Inclosure 9.*)—*Mr. St. John to Señor de la Torre.*

EXCELLENCY,

*Lima, February 12, 1876.*

I HAVE the honour to acknowledge the receipt of your Excellency's despatch of the 10th instant.

It is precisely because I wish to preserve the harmony which at present exists between Great Britain and Peru that I have pointed out to your Excellency the injustice with which British subjects have been treated in the case of the *Talisman*. It is now three months since the last Court of Appeal gave sentence against the vessel, and handed over three of the officers for trial; yet, during those three months, nothing appears to have been done beyond taking the declarations of the prisoners.

Her Majesty's Government have no desire to screen from deserved punishment British subjects who may have committed crimes; but they have a right to remonstrate when they see that British subjects are detained for months, even for years, without their trials being concluded.

I am not aware that this Legation has ever expressed the opinion that the treatment of the prisoners taken in the *Talisman* has been good, and the place in which they are confined suitable for the purpose. My opinion is to the contrary effect; but I believe, however, that the English prisoners have been treated as well as the other prisoners who have been confined in Casas Matas.

A place may be suitable for short terms of imprisonment which is not for long ones; and I would again remind your Excellency that two of the officers of the *Talisman* have been confined in those gloomy dungeons 16 months, and yet they may be perfectly innocent of any intentional offence against the Government of Peru.

I trust that your Excellency will shortly be able to announce to me the conclusion of this too long retarded trial.

Accept, &c.,

*Señor de la Torre.*

SPENSER ST. JOHN.

*The Earl of Derby to Mr. St. John.*

SIR,

*Foreign Office, March 18, 1876.*

WITH reference to your despatch of the 12th ultimo, I have to state to you that Her Majesty's Government cannot permit the trial of the *Talisman* prisoners to be delayed indefinitely. You will, therefore, insist on their being immediately brought to trial; and you will add that, should this be refused, Her Majesty's Government will be obliged to demand that the prisoners shall be released.

You will report to me at once what steps you have taken in the matter, and what is the present position of the case.

Instructions to the above effect have been sent to you this day by telegraph.

I am, &c.,

*Spenser St. John, Esq.*

DERBY.

*Mr. St. John to the Earl of Derby.—(Received March 23.)*

(Telegraphic.)

*Lima, March 21, 1876.*

THE only punishment demanded by Public Prosecutor for *Talisman* prisoners four years' banishment from Peru. Will telegraph result.

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*The Earl of Derby to Mr. St. John.*

SIR,

*Foreign Office, March 30, 1876.*

WITH reference to my despatch of the 23rd instant, and to previous correspondence, I transmit to you herewith a copy of a pamphlet published by Dr. Cameron, M.P. for Glasgow, upon the case of the *Talisman*, which he has lately brought before the House of Commons.

I also inclose copy of a letter from Dr. Cameron, forwarding copies of letters from some of the crew of that vessel, relative to the treatment they received while in prison at Callao.

You will see from the reports in the newspapers of the debate that took place in the House of Commons upon this subject, that the case of the *Talisman* has attracted considerable attention in this country, and that a strong impression exists that not only were the crew of that vessel kept in prison an unreasonable time without trial, but also that they were treated, while in prison, with unjustifiable cruelty.

It is a question whether the crew may not claim compensation on account of their long detention and harsh treatment; and in order to enable Her Majesty's Government to come to a decision upon this question, I have to instruct you to obtain and forward to me a full report from Her Majesty's Consul at Callao as to the treatment of the prisoners, with especial regard to the statements contained in the inclosed pamphlet and letters; and you will accompany Mr. March's Report with any remarks you may have to make thereon, and with any further information you can supply bearing upon the subject.

Her Majesty's Government have learnt with very great regret from your telegrams of the 15th and 23rd instant, that Mr. Sibley, the first mate of the *Talisman*, who was one of the officers detained for trial after the release of the crew, has been killed by a fellow-prisoner.

I do not doubt that you have already inquired closely into the circumstances attending Sibley's death, which would appear from your telegram of the 23rd instant to have been in great measure owing to the bad management of the prison in which he was confined: but, should you not have done so, you will at once make strict inquiry into the matter; and you will report to me how far,

in your opinion, the Peruvian Government are responsible for Sibley's death.

I am, &c.,

Spenser St. John, Esq.

DERBY.

(*Inclosure.*)—Pamphlet entitled "*The Case of the Steam-ship Talisman*," by Charles Cameron, LL.D., M.P. for Glasgow.

*Mr. St. John to the Earl of Derby.*—(Received April 1.)

MY LORD,

Lima, February 28, 1876.

I HAVE the honour to inclose a copy and translation of the sentence of condemnation pronounced on the steamer *Talisman*. There appear to be a few weak points in the argument, but on the whole it may be considered substantially just.

I have, &c.,

*The Earl of Derby.*

SPENSER ST. JOHN.

*Mr. St. John to the Earl of Derby.*—(Received April 1.)

MY LORD,

Lima, February 28, 1876.

I HAVE the honour to inclose a copy of a despatch which I have received from the Secretary of State for Foreign Affairs in reply to mine of the 12th instant, which I inclosed in my despatch of the same date. Your Lordship will observe the tone in which most of M. de la Torre's despatches are written.

In my last interview with the Minister I informed his Excellency that I would only cease the correspondence on the subject of the trial of the officers of the *Talisman* on his promise that the Peruvian Government would do their utmost to expedite the trial. On his assurance to that effect, I said that I would wait a reasonable time before I again urged the Government to conclude an affair which had remained far too long in suspense.

I have, &c.,

*The Earl of Derby.*

SPENSER ST. JOHN.

(*Inclosure.*)—Señor de la Torre to Mr. St. John.

SIR,

(Translation.)

Lima, February 17, 1876.

WHEN I considered that the correspondence which arose out of the criminal trial of the captain and mates of the *Talisman* was terminated, I received in the afternoon of the 12th instant the note from your Legation which obliges me again to address your Excellency.

I have informed your Excellency, both in writing and in verbal conferences, that the trial is going on in accordance with the legislation of the country; and while such is the case, international law

does not allow of diplomatic action, and in no case can expressions be allowed which I am once more under the necessity of impugning.

I am surprised, and justly, that your Excellency should maintain that in order to preserve harmony between Peru and Great Britain, you pointed out to me the injustice, according to your opinion, with which British subjects have been treated in the case of the *Talisman*.

Overlooking for the present the means employed by your Excellency to avoid the disturbance of this harmony, I will once more state that the subjects (British?) mentioned by your Excellency have been perfectly treated in their place of detention, as can be proved to your Excellency by the statement of your predecessor on the 17th of February, 1875, and afterwards by his verbal declaration. The delay in the prize trial on the conclusion of which depended the inauguration of the criminal trial now proceeding, arose from the fact that, in accordance with legal provisions, all the appeals presented by the accused in their defence were taken into consideration, and not only the appeals but the declaration of nullity which they sent in later.

This proceeding cannot be considered unjust, and if injustice there be, it consists in using a term which is not applicable to the case, and which is contrary to the facts.

Accept, &c.,

Spencer St. John, Esq.

A. V. DE LA TORRE.

*Mr. St. John to the Earl of Derby.—(Received April 13.)*

MY LORD,

Lima, March 13, 1876.

I MUCH regret to have to report to your Lordship the death of Mr. Sibley, first mate of the steamer *Talisman*, who was stabbed by a fellow-prisoner, and who yesterday died of his wounds.

The circumstances attending his death show in what a disgraceful state of discipline is the prison at Callao—convicted felons, robbers incarcerated for fresh crimes, all mixed up with persons accused of political offences. I have often drawn the Secretary of State's attention to the subject, but he has always persistently denied the correctness of my statements; on the last occasion in his despatch of the 10th ultimo, which I inclosed in my despatch of the 12th.

With regard to the trial of the officers of the *Talisman*, I may remark that, at my request, Mr. March called on the Judge charged with the case to inquire into the cause of the delay in terminating it: in reply, the Judge stated that the prisoners were now on their defence, and that judgment would be delivered about the 24th of the present month; but he has made similar statements before. I

am at a loss to understand what can be the object of thus delaying the trial.

It is now above a month since I addressed any official communication to the Peruvian Government on the subject of this trial, in the hope that they would take the necessary steps to terminate it; but the death of Mr. Sibley has, I thought, warranted me in writing strongly on the subject.

I inclose the report on the affair made by the warder of the prison; but I have not yet received from Mr. March a copy of the deposition made by Mr. Sibley the day after he received his wounds. I will forward by next packet any documents which may throw light on the affair.

I have, &c.,

*The Earl of Derby.*

SPENSER ST. JOHN.

(Inclosure 1.)—*Mr. St. John to Señor de la Torre.*

EXCELLENCY,

*Lima, March 13, 1876.*

THE death of Mr. Sibley, first mate of the *Talisman*, renders it necessary that I should address your Excellency on the subject of the crime committed in the Casas Matas.

It appears that Mr. Sibley was stabbed by a notorious robber named Viteri, and that the witnesses of the affair were two condemned criminals and two untried prisoners. I have on various occasions called your Excellency's attention to the fact that persons accused of a political offence were compelled to associate with convicted criminals and felons awaiting their trial, but your Excellency has always been assured by the prison authorities that such was not the fact, and that assurance you conveyed to me on the last occasion in your despatch of the 10th ultimo. It now appears from the report in this case, made by the warder of the prison, that the communications I made to you on the subject were strictly accurate. The responsibility, therefore, of this savage crime must partly fall on those authorities whose deplorable prison discipline has compelled possibly innocent men to herd with convicted felons.

Another person who cannot evade some share of the responsibility is the Judge charged with the trial of the officers of the *Talisman*. It is now four months since the Supreme Court ordered these prisoners to be put upon their trial, and, although every important item of evidence for or against the prisoners must have been perfectly well known to the authorities for at least 12 months, yet this trial continues without much prospect of terminating. But for the supineness of the Judge in concluding the trial, this lamentable event would not have taken place.

The circumstances attending the death of Mr. Sibley will draw the attention of Her Majesty's Government to another instance of

the treatment of British subjects who are so unfortunate as to be accused of crimes in this Republic.

Accept, &c.,

*Señor de la Torre.*

SPENSER ST. JOHN.

(Inclosure 2.)—*Extract from the "South Pacific Times" of March 11, 1876.*

*Mr. St. John to the Earl of Derby.—(Received April 21.)*

(Telegraphic.)

*Lima, April 14, 1876.*

"TALISMAN" prisoners sentenced to banishment from Peru.

*Mr. St. John to the Earl of Derby.—(Received April 26.)*

(Telegraphic.)

*Lima, April 17, 1876.*

THE *Talisman* prisoners appeal against sentence of banishment from Peru. Nothing further can be done in favour of prisoners.

*Consul March to the Earl of Derby.—(Received April 29.)*

MY LORD,

*Callao, March 15, 1876.*

At a time when the delays in the case of the prisoners of the *Talisman* are attracting so much attention, perhaps your Lordship will permit me to report that the criminal trial instituted on the attempted assassination of the President of the Republic in August 1874 has only now been brought to a close.

I have, &c.,

*The Earl of Derby.*

EDWARD MARCH.

*Mr. St. John to the Earl of Derby.—(Received May 3.)*

(Telegraphic.)

*Lima, April 28, 1876.*

"TALISMAN" prisoners not at liberty; trial not likely to terminate for some time.

*The Earl of Derby to Mr. St. John.*

(Telegraphic.)

*Foreign Office, May 4, 1876.*

EXPLAIN by telegraph why *Talisman* prisoners are detained, if not on account of appeal. Press for their immediate release.

*The Earl of Derby to Mr. St. John.*

SIR,

*Foreign Office, May 12, 1876.*

I HAVE received your despatch of the 27th of March, inclosing documents relating to the murder in the prison at Callao of Henry Sibley, late first mate of the *Talisman*.

It would appear from those documents, and from the reports sent home by you and by Mr. Consul March, that a serious responsibility rests upon the Peruvian Government in the matter.



As, however, Her Majesty's Government are not at present in possession of the Peruvian version of the occurrence, they think it advisable to defer coming to a final decision as to the course they shall pursue until they have received the explanations which they presume will be made through you by the Peruvian Government.

Her Majesty's Government anxiously await those explanations, to which they will not fail to give their immediate and very serious attention.

Her Majesty's Government will also be glad to receive from you any further evidence which you may be able to procure relating to the matter.

Spenser St. John, Esq.

I am, &c.,

DERBY.

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*The Earl of Derby to Mr. St. John.*

SIR,

*Foreign Office, May 13, 1876.*

THE Peruvian Minister called upon me on the 10th instant to offer explanations of certain matters connected with the *Talisman* case. He assured me that the continued detention of the captain and mate was due solely to the fact that these men had appealed from the sentence passed upon them, and it was impossible that they should be released till the appeal was heard.

This statement being altogether inconsistent with that contained in your telegram of the 27th of April, I expressed my doubts and read to Señor Galvez the substance of the telegram in question. He assured me that he had communicated accurately the information which he had received from his Government, but promised further inquiry.

Señor Galvez then went on to express his regret for the length of time during which the crew of the *Talisman* had been detained without trial, adding that the delay had arisen solely in the ordinary course of the administration of justice, and had nothing special or exceptional in its nature.

This, I said, I was quite willing to believe, but I could not accept it as a sufficient excuse. That men who might prove innocent, and who at any rate had not been found guilty, should be kept in gaol for more than a year, was simply wrong and unjustifiable; and, if such was the custom of the country, foreign Governments were entitled to ask that the custom should be altered.

Señor Galvez then observed that the greater part of the delay had been caused by the act of the captain in appealing, and by the necessity of deciding on the character of the vessel before the question of the men's guilt was gone into. This plea, also, I observed, I could not admit. Her Majesty's Government were not, I said, cognizant of or concerned in the forms of legal procedure in Peru. What they objected to was that, under any forms of pro-

cedure, a heavy punishment should be inflicted on foreigners not convicted of any offence. Municipal law or usage, if manifestly unjust, could not be pleaded as an answer to international complaints. I felt it my duty to inform Señor Galvez that the whole affair had created a painful sensation in England, and that the feeling in all classes was strong against his Government. He answered that he was aware of the fact and regretted it, and that he had written home to that effect.

Some conversation followed as to the case of Sibley. I told Señor Galvez that we were waiting for accurate and trustworthy evidence as to the circumstances of his death; but that, considering that he was a prisoner under the care and control of the authorities, unable to defend himself, and without choice as to the persons with whom he associated, I felt bound to reserve the right on the part of Her Majesty's Government to demand compensation for his family, in the event of its being shown that he had not done anything to provoke a quarrel, or to justify the attack made upon him.

I also warned Señor Galvez that a much longer delay in terminating the proceedings against the two men still detained could not be allowed. The interview concluded with mutual expressions as to the desire of the two Governments to avoid anything in the nature of a misunderstanding.

I am, &c.,

Spencer St. John, Esq.

DERBY.

*Señor de la Torre to Señor Galvez.—(Communicated to the Earl of Derby by Señor Galvez, May 15.)*

(Telegraphic.) (Translation.) Lima, May 13, 1876.

CAPTAIN of *Talisman* appeals. The case is before the Superior Court. This is the reason of the continued detention of the officers. Viterio was put upon his trial. He is still detained. Will soon be sentenced.

*Mr. St. John to the Earl of Derby.—(Received May 15.)*

(Telegraphic.) Lima, May 12, 1876.

ALL sentences go before Superior Court to be confirmed, altered, or revoked, whether there is an appeal or not. Sentence not yet pronounced.

*Consul March to the Earl of Derby.—(Received May 17.)*

(Extract.) Callao, April 14, 1876.

I HAVE the honour to report to your Lordship that the Judge of First Instance has sentenced Mr. Haddock and Mr. King, of the late British ship *Talisman*, to banishment from the country. Mr. Haddock having thought proper to appeal against this sentence, the

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case will now be reopened before the Superior Tribunal. Mr. King does not join in this appeal, and I am now endeavouring to have him released.

*The Earl of Derby.*

EDWARD MARCH.

*Mr. St. John to the Earl of Derby.—(Received May 30.)*

MY LORD,

*Lima, April 27, 1876.*

THREE weeks of continued fever have so reduced my strength that I am unable by this packet to send your Lordship the correspondence which should accompany this despatch. Unfortunately my copying clerk has left me, but Mr. Graham, of Islay, will be here in two or three days, and will prepare the papers for next packet.

Two days after I wrote my despatch of April 18 I directed Mr. March to see M. de la Torre on the subject of the sentence, and the Minister replied that the men had been condemned to banishment, but that they had appealed against the sentence. Upon which I telegraphed the fact to your Lordship; but on writing officially to M. de la Torre, to tell him that King did not desire to appeal any more, he replied that, whether the men had appealed or not, the sentence would have been sent for revision to the Superior Court to be confirmed, changed, or revoked.

As in his reply the Minister took no notice of the principal object of my despatch, which was to inform him that Mr. King would accept the sentence of the Superior Court, if it confirmed that of the Court of Callao, and would not join Mr. Haddock in an appeal to the Supreme Court, I wrote to him a second time, explaining the different positions of the two prisoners, and adding that no one had a right to make King appeal against his will.

To my surprise this despatch was sent back to me next day, with a curt official despatch from the Minister, saying as it was not in a suitable form, he found himself under the necessity of returning it to me.

This was to me an unprecedented occurrence; so before replying I consulted with the French Minister, who was as much astonished as myself at the discourteousness of the act.

I then replied that I would inform Her Majesty's Government by telegraph of the extraordinary and unaccountable conduct pursued by the Peruvian Government towards this Legation.

The prisoners are now before the Superior Court. I believe that Haddock will appeal against any sentence that may be given, but I am trying to save King from another long detention.

Since writing the above I have received from M. de la Torre explanations as to the reason why my despatch was returned to me. He says there were erasures in it; if so, he might have returned it with

a private note, asking for a fresh copy. I do not think his explanation the correct one, but when he heard that I had telegraphed the fact to your Lordship the Government got alarmed, and hastened to make a long explanation. My despatch was neither better nor worse copied than the present one, except an erasure or two.

I have, &c.,

*The Earl of Derby.*

SPENSER ST. JOHN.

*Mr. St. John to the Earl of Derby.*—(Received June 5.)

(Telegraphic.)

*Lima, June 2, 1876.*

SUPREME [Superior?] Court confirmed sentence of Callao Court. Public Prosecutor has appealed to Supreme Court.

*The Earl of Derby to Señor Galvez.*

M. LE MINISTRE,

*Foreign Office, June 7, 1876.*

It is with great regret that I find myself under the necessity of addressing you upon the case of the *Talisman* prisoners—Haddock and King—which case formed the subject of our conversation of the 10th ultimo.

I then had the honour to explain to you fully the views of Her Majesty's Government as to the continued detention of these men, and I drew your attention to the painful sensation which had been caused by the case of the *Talisman* among all classes in this country. In reply you were good enough to inform me that you were aware of the feeling that existed, and that you had written to your Government to that effect.

Her Majesty's Government hoped that your representations would have had the effect of inducing the Peruvian Government to hasten the release of the two prisoners, but such has unhappily not been the case, as will be seen from the following telegram from Her Majesty's Minister at Lima, dated the 2nd instant:—

"Supreme [Superior?] Court confirmed sentence of Callao Court. Public Prosecutor has appealed to Supreme Court."

The precise meaning of this telegram is not quite clear, but it may safely be taken to show that the prisoners were still detained on the 2nd instant, and that their release was likely to be further delayed for an indefinite time by the action of the Public Prosecutor in moving for a farther appeal.

With regard to the delay that has already taken place since the passing of the original sentence on Haddock and King, you assured me, M. le Ministre, in our conversation above referred to, that the information you had received from your Government showed the continued detention of the prisoners to be due solely to the fact that they had appealed against this sentence, and I then informed you

that this explanation was inconsistent with the reports furnished to me by Her Majesty's Minister at Lima, which were to the effect that all sentences had to be confirmed by a Superior Court.

I have now received a more detailed report upon the subject from Her Majesty's Minister, dated April 27, in which he states that on his representing to the Peruvian Minister for Foreign Affairs that King did not wish to appeal any more, his Excellency replied that whether the men had appealed or not the sentence would have been sent for revision to the Superior Court, to be confirmed, changed, or revoked.

As, however, in this reply, M. de la Torre took no notice of the principal object of Mr. St. John's note, which was to inform his Excellency that King would accept the sentence of the Superior Court if confirmed by that of the Court of Callao, and would not join Haddock in an appeal to the Supreme Court, Mr. St. John wrote a second note to his Excellency, explaining the different positions of the two prisoners, and adding that no one had a right to make King appeal against his will.

This second note, I regret to say, was sent back to Mr. St. John by the Peruvian Minister, with a curt official despatch saying that, as it was not in a suitable form, he found himself under the necessity of returning it.

M. de la Torre subsequently explained this extraordinary proceeding by saying that there were erasures in Mr. St. John's note; but Her Majesty's Government cannot consider that this fact would afford sufficient justification for so unfriendly and discourteous an act as the return without explanation of a note addressed to a Minister for Foreign Affairs by the Representative of a friendly Power on a matter of which that Power is known to attach great importance; and Her Majesty's Government cannot but look upon this proceeding as showing a disinclination on the part of the Peruvian Government to entertain the just and reasonable representations of Her Majesty's Government.

In these circumstances, M. le Ministre, it becomes my duty to remonstrate in the strongest manner, as I now do, in the name of Her Majesty's Government, against the continued detention of King, who has signified his acquiescence in the sentences passed upon them, against the unreasonable protraction of the proceedings in the case, and against the unfriendly conduct of the Peruvian Government in the matter.

I have the honour to request that you will be so good as to forward this remonstrance to your Government, and that you will recommend it to their very serious consideration.

Her Majesty's Government have every wish to maintain friendly relations with the Government of Peru, but unless the case of these

prisoners is brought to a speedy issue, it will be impossible that those relations should continue.

I am, &c.,

*Señor Galvez.*

DERBY.

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*Mr. St. John to the Earl of Derby.—(Received June 13.)*

MY LORD,

*Lima, May 13, 1876.*

I BEG to inclose the correspondence which should have accompanied my despatch of the 27th ultimo.

The case of the *Talisman* prisoners continues before the Superior Court; the delay in terminating it arises from the Judges declining to hear it until it comes before them in its regular turn. A new complication has arisen in the Fiscal of the Court demanding that the prisoners shall be condemned to the Penitentiary, as they were pirates, and were so considered by the English Diplomatic Agent in Lima, who had ordered the pursuit and capture of the *Talisman*. I need scarcely say that there is no foundation for this statement. Mr. March informed Commander Long of the accusations brought by the Peruvian Government against that vessel, and requested him to overhaul her, and inquire if she had committed any breach of the law; but between such an inquiry and a declaration that the vessel was piratical, there is a very great difference.

I am informed by the advocate for the defence that if the Superior Court confirm the sentence of the Callao Court, none of the prisoners will appeal, but that the sentence will be sent back to the Callao Court for the Judge to fix the number of years of banishment. This, which is of little interest to the two Englishmen, is of great importance to the two Peruvian officers, passengers on board the *Talisman*, who are being tried with them. This mixture of the two cases, which have little in common, was during the first trial a fruitful cause of delay, and furnished the Callao Judge with many occasions for saying that he was waiting for fresh witnesses.

If the Superior Court should condemn the prisoners to the Penitentiary, they will naturally appeal to the Supreme Court.

I have, &c.,

*The Earl of Derby.*

SPENSER ST. JOHN.

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*(Inclosure 1.)—Mr. St. John to Señor de la Torre.*

EXCELLENCY,

*Lima, April 20, 1876.*

I HAVE heard that the Court at Callao has condemned the two *Talisman* prisoners to banishment from the territory of Peru; and that the matter has been now carried before the Superior Court. It is stated also that Mr. Haddock has appealed against the sentence.

Now I desire to give your Excellency formal notice that Mr. King, second mate, has nothing whatever to do with this appeal; that if the Superior Court confirm the sentence of the Callao

Court, he is content to abide by it, and quit the country; and should Mr. Haddock appeal to the Superior Court, he desires it to be clearly understood that he has nothing to do with it.

I should be glad that this despatch should be brought to the notice of the Law Officers of the Republic, in order that a man who does not appeal should not be treated as one who has appealed, and that the cases of Haddock and King may be separated.

I avail, &c.,

*Señor de la Torre.*

SPENSER ST. JOHN.

(*Inclosure 2.*)—*Señor de la Torre to Mr. St. John.*

SIR,

(Translation.)

*Lima, April 21, 1876.*

I HAVE the honour to acknowledge the receipt of your estimable note, dated yesterday, relative to the case of the *Talisman*.

According to our Penal Legislature, even in case no appeal is made against the sentence in First Instance, the Judge must send the case to the Superior Tribunal; and this Tribunal can, in either case, confirm, revoke, or modify the sentences, in the case of all accused, without any one of them being removed from the case, excepting the accusation has been overruled by the Tribunal of the First Instance, and the sentence to that appeal has been confirmed.

Your Excellency may be convinced that the Tribunals will act in strict conformity to the provisions of the laws.

Accept, &c.,

*Spenser St. John, Esq.*

A. V. DE LA TORRE.

(*Inclosure 3.*)—*Mr. St. John to Señor de la Torre.*

EXCELLENCY,

*Lima, April 24, 1876.*

I HAVE to acknowledge the receipt of your Excellency's despatch of the 21st instant.

Your Excellency has not probably caught the meaning of my despatch of the 20th instant, which was that I had heard that if the Superior Court confirmed the sentence of the Callao Court, Mr. Haddock has the right to appeal in his own name, but he has no right to appeal in the name of King as well.

King, the second mate, having no one to whom he can address himself for protection except myself, has informed me that, if the Superior Court confirm the sentence of the Callao Court, he desires to accept it as a final sentence and quit the country. Under these circumstances he will refuse to appeal to the Supreme Court. Now appeal is essentially a voluntary act, and no one has a right to make him appeal against his will.

It is King's intention, should Mr. Haddock appeal to the Supreme Court against a sentence of banishment from Peru, to demand to have their cases separated, and I intend to support that

demand, and I write in advance so that there may be ample time for the arrangement to be made.

I will direct King to address a note to Dr. Fernandez informing him of his intention not to appeal against a sentence of banishment from Peru.

Accept, &c.,

*Señor de la Torre.*

SPENSER ST. JOHN.

(*Inclosure 4.*)—*Señor de la Torre to Mr. St. John.*

(Translation.)

*Lima, April 24, 1876.*

As your Excellency's note of this day's date relative to the sentence pronounced by the Judge of Callao in the trial of Messrs. Haddock and King, is not in proper form, I am obliged to return it to your Excellency.

I have, &c.,

*Spenser St. John, Esq.*

A. V. DE LA TORRE.

(*Inclosure 5.*)—*Mr. St. John to Señor de la Torre.*

EXCELLENCY,

*Lima, April 26, 1876.*

I HAVE the honour to acknowledge the receipt of your Excellency's despatch of the 24th instant, in which you return my despatch relating to King's not desiring to appeal.

I will inform Her Majesty's Government by telegraph of the extraordinary and unaccountable conduct pursued by the Peruvian Government towards this Legation.

Accept, &c.,

*Señor de la Torre.*

SPENSER ST. JOHN.

(*Inclosure 6.*)—*Señor de la Torre to Mr. St. John.*

SIR,

(Translation.)

*Lima, April 27, 1876.*

IN the afternoon of yesterday your Excellency's despatch of the same date was placed in my hands, in which, in acknowledging the receipt of my despatch dated the 24th, you are pleased to state to me that you informed Her Britannic Majesty's Government of the extraordinary and unaccountable conduct, as your Excellency terms it, observed towards your Legation. Your Excellency cannot fail to understand how much the course you have adopted has surprised me, as having returned your Excellency's note of the said day, 24th, not on account of its contents, or the terms in which it was written, which could not be imagined, as we were both occupied on the same affair, as my despatch of the 21st proves, but on account of the form in which it was received, lines being effaced. It never entered into my thoughts to decline to receive the note when this defect should have been remedied, a defect which I could scarcely believe could come from your Excellency, who is so familiar with the rules of etiquette which govern official communications.

The two effaced lines in the said note, and the unfortunate



circumstance of its having been accompanied by the private note of your Excellency of the same date, made it doubly necessary for me to call the attention of your Excellency to the form of this document, and wait, in order to reply to it, that your Excellency should be good enough to correct the material defects it contained.

I was therefore in hopes that your Excellency would estimate properly the cause and object of the return of the note. I am profoundly sorry to perceive, by your despatch of yesterday, that you have given the circumstance a very different interpretation, and I therefore think myself obliged to determine one and the other reason, by stating to you that in view of the sentiments of friendship and consideration of my Government towards that of Her Britannic Majesty, there can be no question of refusing to receive your Excellency's despatch on account of the matter which it turned upon, but simply that it might be put in the form customary between diplomatists, and even in the private communications between gentlemen, that is to say, without words and lines erased, and in that case there would not have been, and there exists no impediment to its being received.

It is the duty of my Government to place this disagreeable incident in its proper point of view, so that it shall not be considered to be a want of good understanding or consideration towards the Government which your Excellency represents, nor allow it to affect the cordial relations which exist between the two countries; and I avail, &c.,

*Spenser St. John, Esq.*

A. V. DE LA TORRE.

(*Inclosure 7.*)—*Señor de la Torre to Mr. St. John.*

SIR,

(Translation.)

*Lima, May 8, 1876.*

INCLOSED in your Excellency's despatch I have had the honour to receive, in proper form, your despatch of the 24th ultimo, to which I now reply.

Your Excellency is of opinion that I have not quite understood the meaning conveyed in your despatch of the 20th, when I explain in mine of the 21st the legal measures which make it impossible to accede to the wishes of Mr. King, late second mate of the *Talisman*. Your Excellency states that King, in case the Superior Court confirms that of First Instance, and that Captain Haddock appeals to the Supreme Court to annul the sentence, wishes to conform to that of the Superior Court with respect to himself, in order not to be brought before the Supreme Tribunal.

Although all this is merely a supposititious case on the part of the said mate, I am sorry to have to repeat to your Excellency what I said in my despatch of the 21st, viz., that the course of the trial cannot be altered, in accordance with the provisions of the laws, as

the parties interested, and also the Public Prosecutor, have the right to interpose all the resources allowed by law.

However, if through the action of one of the parties the case is carried before the Supreme Tribunal, this Tribunal can declare the sentence not null, or, if it declares it so, it can alter it in any sense it may consider legal, with respect to the party appealing to its decision, and also with respect to the other persons accused.

I must also point out to your Excellency that King, in Second Instance, as in any other, can appoint a lawyer to defend him in case he should not have one, or apply to have one named officially; and it will be the duty of this lawyer to defend him before the Courts, and to bring forward all the grounds on which he thinks he can found his demands, as the Courts alone can determine what is legal. There is no reason, therefore, for putting diplomatic action into play. It is reserved, as your Excellency knows, for certain special cases, and is not to be used when justice is following its natural course, with strict subjection to the provisions of the laws of the country, to which all those who commit offences therein are subject.

Having replied to your Excellency's despatch to which I referred in the beginning, I avail, &c.,

*Sponsor St. John, Esq.*

A. V. DE LA TORRE.

*Consul March to the Earl of Derby.—(Received June 13.)*

MY LORD,

*Callao, May 14, 1876.*

I HAVE just time before the departure of the mail-steamer to transmit to your Lordship the inclosed copy of a letter which has been published in the Lima papers, purporting to be addressed by the Peruvian Minister for Foreign Affairs to the Representative of the Republic in London, commenting on the debate which took place in the House of Commons relative to the *Talisman*.

I pray your Lordship to overlook the hurried manner in which, for want of time, I have been obliged to translate the letter in question.

I have, &c.,

*The Earl of Derby.*

EDWARD MARCH,

*(Inclosure.)—Señor de la Torre to General Prado.*

(Translation.)

*Lima, May 8, 1876.*

By the last steamer I received the despatch from that Legation dated April 1st, giving an account of the sittings of the House of Commons of the 21st and 27th March, relative to the conduct observed by Her Britannic Majesty's Government in their demand of justice for the British subjects who came to Peru in the steamer *Talisman*.

I have read attentively the opinions there expressed, both by the members of the party who are out of power and by those of the

British Cabinet; and I have seen with satisfaction that the inaccuracies of the facts and of the legal appreciations of the former have, in a great measure, been corrected with truth and justice by the actual counsellors of the Queen, although in some points the Government do not agree with the views of the British Government.

The questions raised by the armament in England, and attack on our coasts, of the English steamer *Talisman*, have given rise in that country to certain excitement, caused by the clamours of all the parties interested in that expedition, and by the natural sufferings of those who, with more or less culpability, have been found implicated therein; and these clamours and complaints, launched in the distance, without knowledge of the exact facts, or of what occurred or of the laws of our country, or of the generous conduct of the Government towards the accomplices in that crime, have been ostensibly judged by some members of Parliament as favourable for accusing the British Government of want of zeal in defending abroad the interests of British subjects, and of want of energy in having those rights respected by force, and have afforded the opportunity at the same time for judging of Peru and its Government in a way little in accordance with justice, and less with the circumspection which should be observed by so respectable a corporation. Otherwise it would not be possible to explain the agitation produced in some circles of Great Britain, since it is easy to remember the facts which gave rise to the question of the *Talisman*.

A British vessel was loaded with arms, and fitted out in England by persons resident in, and in some cases natives of, that country, with an armament sufficient for 2,000 men. That vessel was taken to the southern ports of Ohile, where she remained some weeks completing her final arrangements, in combination with Peruvian emigrants. She sailed thence with an official clearance for Vancouver, and touched at a non-habilitated port in Chile to receive, as she actually did, a party of Peruvian emigrants, with whom she sailed to another non-habilitated port in Peru, on our northern coast, where she took prisoner our maritime authority, who went out to receive her, and repulsed with musketry the public force which was going to seize her, immediately after which she made for sea. Some days later the same vessel touched at another non-habilitated port in Peru, where she disembarked her party and a portion of her armament, and was captured *in flagrante* by a national ship-of-war.

The object of those who fitted out that vessel was nevertheless attained, though not in its entirety, and a revolution broke out in the south and north of Peru, the suppression of which has entailed the sacrifice of many lives and considerable expense, and the perturbation of trade and industry.

In the face of such facts, is it possible even to presume that such grave charges could be formulated against the Government of Peru as having failed towards the interests of British subjects compromised in that criminal attempt, prepared in England in connivance with rebellious Peruvians, and perpetrated on the territory of Peru under the protection of the British flag?

True it is that in other countries the captain and crew of the *Talisman* would have been summarily judged, and may be (without time or means of defending themselves) executed to serve as a warning to those who engage in ventures of that kind; but by the laws of Peru the trials are prolonged more than in other places, in order to afford the accused all the means of defence and all the guarantees which they may require.

Is there anything in the proceedings to make it supposed that there has been inattention, fault, or injury to the rights of British subjects or international law? All who have had occasion to study this affair, and very specially the Agents and Diplomatic Representatives of the English Government in Lima, know that it is not so. The ship was submitted to the Prize Court, which considered the affair with strict subjection to the laws; but the convulsed state of the country at that time, caused by the expedition of the *Talisman*, the necessity of obtaining declarations from different and often distant parts of the Republic, some of which were the theatre of the war, delayed for a time the proceedings of the Prize Court without, however, paralyzing them, as has been inaccurately maintained in the midst of the English Parliament, even to the point of asserting that the declarations of the criminals had not been taken, which was done in its proper time. Subsequently—and of this Her Britannic Majesty's Minister in Lima must be well aware—the British subjects themselves taking advantage of the means of defence afforded by our laws, which do not wish the accused to be deprived of that right, caused the inevitable delay of the trial: first appealing from the acts and sentences pronounced; then exacting fresh stages in the Second Instance; and finally taking the case in the degree of nullity to the Supreme Court, by which time a voluminous body of evidence had been formed. Therefore, the accused British subjects are the ones who in a great measure caused the delay by defending themselves to the last point, in order, if possible, to save the ship; and, judging by what is occurring at the present moment, it is easy to imagine how high would have been raised the voice of the Opposition in England had not the Judges of Peru conceded to the accused all the latitude which the laws afforded for defence.

According to those laws, the criminal trial of the authors and accomplices of that crime could not be initiated until after that of the ship had terminated. Scarcely, therefore, could persons impli-

cated in the affair of the *Talisman* have been judged as criminals if the tribunals had declared the ship free.

The trial of the ship finished by a sentence in which the Supreme Court condemned the vessel ; ordered, in a spirit of equity not well appreciated, the release of the crew ; and limited a criminal action to the captain and mates.

In this trial all the legal requirements have been observed, and though it has been necessary to receive some declarations and confirm others outside of Callao, yet it has been conducted with all the activity which the nature of the trial and the laws permitted ; until sentence in the First Instance was pronounced, against which Captain Haddock appealed, the case being now before the Superior Tribunal, where it would have gone for consultation even if the criminals had not appealed, none of whom can be separated from the trial until it is definitely settled in its last stage.

It is painful that, notwithstanding the legality of the proceedings in this case, it should have given rise to the passionate complaints to which the English Parliament has listened, notwithstanding that the Under-Secretary of State has placed with justice the responsibility of the misfortunes suffered upon the agents who in England prepared the expedition, stating (they are his own words) that " . . . he could not say that the Government of Peru had inflicted an outrage, and certainly none like that committed on the English flag by those who made use of it in the *Talisman* with such intentions and object, converting it from the ensign of peace and power all over the world into the standard of an abortive war of the most contemptible and disastrous character."

In every way the Government has proceeded throughout this disagreeable affair, and the diplomatic correspondence to which it has given rise, with strict attention to its duties, the first of which in this case was to respect, and cause to be respected, the action of the law exercised by the tribunals on which those prisoners depended, and continue to depend to this day.

The action of the Judges has been independent, and the tribunals which have taken cognizance of the trials, and are the only authorities competent to decide the matter, have not found therein anything contrary to the laws.

Your Excellency knows that if the Peruvian Government cannot interfere with the proceedings of the Judges any more than the English can with the tribunals of England, still less can it exercise any pressure upon them at the request or demand of a foreign Government ; and it is difficult to explain how in the English Parliament there could have reigned in the discussion of so simple a point of international law such a great confusion of ideas, reaching even to the point of proposing the creation of a Committee or Parliamentary

Tribunal to examine in all its details the case of the *Talisman* as dealt with by the Tribunals of Peru.

At the same time the Government has seen with satisfaction the expression of a part of the opinions of the members of the Cabinet of Her Britannic Majesty, in that they would do justice to Peru; notwithstanding that, through considerations of protection for their subjects, and perhaps of concessions to political exigencies, they have intervened diplomatically in an affair which, without such intervention, would have taken the same course, since without it the British subjects implicated in the trial of the *Talisman* would always have found the protection of the authorities and laws of the Republic. The numerous subjects of Her Britannic Majesty resident in Peru, and the valuable properties they possess or administer, are eloquent testimony not only of support which the Peruvian authorities and laws afford to their persons and property, but also of the benevolence and consideration with which they are received by the Government and the country.

I do not deem it inopportune to touch on the two points to which attention has been directed in the English Parliament,—the use of the *Talisman* before she was declared a good prize, and the employment of the crew after her capture, combined with their liberation on the conclusion of the trial by the Prize Court.

In order to pronounce a judgment contrary to the proceedings of the Government, it has not been borne in mind that that vessel was not a merchant prize, but a foreign man-of-war, a piratical vessel captured *in flagrante delicto*, and which could have been immediately destroyed or pressed into the service of the State, as was actually done, in order to meet the exigencies of the war which the expedition of the *Talisman* had caused. Therefore, not only is there the precedent of the conduct observed by the United States of North America in the last Civil War, cited by the Under-Secretary of State, but the Peruvian Government acted with perfect right when it employed in its service the ship-of-war which it had captured, in the same way as it would have been in its right in using the cannon taken from the enemy in the field of battle.

As regards the crew, they had to be at once considered as prisoners of war, and they could be employed until the movements of the fleet allowed of their removal to Callao, where they were to be tried by the respective Tribunals, the same which, acting upon the result of the proceedings of the Prize Court, by which it appeared that the crew were in ignorance of the crime which their commanders were perpetrating, ordered their discharge,—a judicial order which the Government enforced, as bound to do by the Constitution of the Republic.

In conclusion I must inform your Excellency that I consider it

unnecessary at present to advert to the various incidents of this affair, in which the Government, admitting, as it should, the recommendations of Her Britannic Majesty's Government, and, as it always does, those of all friendly Powers, has endeavoured to duly attend to them, without, however, accepting anything affecting the dignity and decorum of the nation.

God preserve, &c.

*General Prado.*

A. V. DE LA TORRE.

*Señor Galvez to the Earl of Derby.—(Received June 16.)*

MY LORD, (Translation.) *Peruvian Legation, June 18, 1876.*

I HAVE had the honour of receiving your Excellency's note dated the 7th instant, relative to the prisoners Haddock and King, captain and mate of the *Talisman*, and I lost no time in sending to my Government a telegram on the matter.

I observe with regret the strong complaint which your Excellency has thought it your duty to make in regard to the conduct of my Government, and as I wish to dissipate all sense of injury that may have been formed in the mind of Her Majesty's Government in this respect, on the belief that the proceedings of my Government can hardly have been friendly in this case, I hasten to give your Excellency such explanation as I can in regard to the observations contained in your aforesaid despatch.

I had in fact, on seeing the manner in which the questions to the Cabinet were brought forward in the Parliament, expressed to my Government how urgent it was that the trial of the officers of the *Talisman* should be brought to a conclusion. It was the very packet that I have received to-day that was to bring the answer of the Minister La Torre to the despatch from this Legation dated the 1st of April, and I see by it that the news of the question (in Parliament) has produced a painful feeling in my Government and in the country, on observing how the matter has been treated in the British Parliament; and although the tribunals of Peru, which were so unjustly attacked by some who took part in the said discussion, do not require extraordinary incitement to fulfil their duty, it is certain that all the functionaries concerned in the several stages of the judicial affairs are using their efforts to accelerate, as far as in them lies, the termination of this trial.

The telegram received by your Excellency from the English Minister at Lima means, in my opinion, that the Superior Court (Court of Appeal) has confirmed the sentence of First Instance, which condemned the prisoners to banishment, and that the Attorney-General has presented an appeal for the nullity of that sentence, that is to say, that he did not believe that the law had

been observed in passing it. Consequently the case has gone to the Supreme Court, which is the only tribunal that has to decide whether a sentence is null or not.

Your Excellency fears that this may produce an indefinite protraction of the confinement of the persons under trial; but I can assure you that neither the law in Peru, nor the feeling of all the magistrates who apply it, will give rise to such procrastination, which is as odious to my Government as it is to your Excellency's. The law of Peru on this point directs that on the interposition of the appeal for nullity before the tribunal which passed the sentence, if it be admitted there, notifications shall be given to those interested for a term of 24 hours, and with their answer the documents shall be remitted to the Supreme Court. This Court, after hearing the Attorney-General, orders that the case be entered, and appoints the day when it is to be considered. After consideration, the appeal for nullity is decided within two days unless some of the members want to make themselves acquainted with the proceedings, in which case another day is granted to each member who requires the documents. The number of members is five. There is no reason then to fear much delay, still less indefinite delay in the Supreme Court. It might be possible that nullity should be declared for the omission of some process, and in that case order would be given to complete it, and the legal responsibility would be cast on those who had made the omission. But excepting in such case, wherein the delay would be punished, no other delay would be possible.

In regard to the procrastination which has previously taken place in this trial, I had the honour of informing your Excellency, on the strength of a telegram from my Government, that after the sentence of First Instance the delay was caused by the appeal of one of the defendants, Haddock, in consequence of which the case had to go to the Superior Court for the decision of the appeal. Your Excellency thought, in conformity with the information communicated by the British Minister at Lima, that the cause of the delay was that every sentence had to be confirmed by the Superior Court. Although it is true that if there had been no appeal the case would have gone to the Superior Court for consideration, it is no less true that in the present case the proceedings went before that Court on the appeal of Haddock, and that the case of appeal and that of ordinary consideration are very different in regard to the time required for their procedure; for, in the first, the Court goes through a regular trial, in which the interested parties are heard, one of whom, in criminal cases conducted *ex officio*, is the Attorney-General, and even evidence is received, provided it be different from that given in First Instance.



Then the day is appointed on which the case is to be considered, and sentence is pronounced three days after at most, unless the members of the Court ask for the proceedings for their own information, in which case a day is granted to each of them that requires it. But in the case of ordinary consideration, the procedure is merely that the Superior Tribunal sends the proceedings to the Attorney-General, for him to give his opinion thereon within 24 hours, and without further procedure the consideration is completed in two days. On account of this great difference between the two courses of procedure, I had the honour of informing your Excellency that the present case was one of appeal interposed by Haddock, and that it could not be decided in so short a time as if it had been one of ordinary consideration.

I will now take up Mr. Spenser St. John's despatch of April 27, in which he stated to the Minister La Torre that, as King did not wish to appeal from the sentence of First Instance, in order not to join Haddock in the course of the appeal, no one has a right to compel him to appeal against his will. Your Excellency observes that this note was returned because it was not in proper form, and your Excellency complains of this act as showing a want of courtesy and friendship, since it was a note sent by the Representative of a friendly Power on a matter which that Power notoriously considers of great importance, and in the return of that note your Excellency discerns a disinclination on the part of the Peruvian Government to receive the just and reasonable representation of Her Majesty's Government.

In the first place, I will state to your Excellency that the Minister La Torre answered the said despatch of Mr. Spenser St. John on the same date, April 21, telling him that, "according to the penal laws of Peru the Superior Tribunal had to confirm, to revoke, or to modify the sentence in regard to all the defendants, without separating any of them from the trial." This observation might have sufficed to make Mr. St. John understand the legal impossibility of complying with his wish. Nevertheless, Mr. St. John in his despatch of 24th April, repeated his statements, on the ground that Señor de la Torre had not well understood the idea, for the question was not only in regard to the proceedings in the Superior Court, but of those which were to take place in the Supreme Court. Señor de la Torre did not then reply to this observation because Mr. St. John's despatch contained those lines struck out, which gave rise to the deplorable incident of which your Excellency is aware, and which was terminated by Mr. St. John sending a duplicate of the despatch of April 24 with the date of May 1. After receiving this, the Minister La Torre replied under date of May 8, repeating what he had said in his despatch of April 21, "that the course of the

proceedings could not be altered, and that if the case went to the Supreme Tribunal, the decision thereof, whatever it might be, whether for annulling or confirming, would apply to the promoter of the appeal as well as to the other defendants; that is to say, that however my Government may wish to do so, it was impossible for it to comply with the British Minister's request.

But in regard to the feelings of friendship and consideration on the part of my Government towards that of Her Majesty, a very decisive proof of the importance that my Government attributes to all that relates to Her Majesty's is that so soon as it was aware of the manner in which Mr. St. John considered the return of his note, it hastened to give orders to this Legation by telegraph to inform your Excellency of the real meaning of all that had occurred, and of its resolution to admit the substance of the British Minister's note, inasmuch as the return of it had only been a question of form.

Besides these circumstances, which I had the honour of stating to your Excellency, I must assure you, in the most formal manner, that in no case has my Government diverged from the friendship which it professes for Her Majesty's Government or from the ardour with which it has always cultivated, and still intends to cultivate, its relations therewith. It was the first to deplore the possibility of such an occurrence as that with Mr. St. John's aforesaid despatch, which gave rise to that unfortunate incident; so that it believes the views of Her Britannic Majesty's Government to be too elevated to be affected by a simple irregularity of office, which, in my opinion, can only by a fatality have become a cause of discussion between two friendly Governments, and which cannot, in any case, be sufficient ground for compromising their relations.

For these reasons I doubt not for a moment that my Government will hasten to manifest its constant purpose to maintain friendly relations with your Excellency's Government, as there is neither motive nor feeling for an alteration of them. And I even hope that, when all the circumstances connected with the case of the *Talisman* are finally considered, it will be seen that the Peruvian Government, far from having acted with any want of friendliness towards Her Majesty's Government, has done all that was in its power to fulfil the obligations of friendship, as well as of consideration, which the British Government is entitled to.

With sentiments, &c.,

*The Earl of Derby.*

P. GALVEZ.

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*The Earl of Derby to Señor Galvez.*

M. LE MINISTRE,

*Foreign Office, June 20, 1876.*

I HAVE the honour to acknowledge the receipt of your letter of the 13th instant, relative to the case of the *Talisman*, and I regret

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to have to state to you in reply that Her Majesty's Government cannot consider satisfactory the explanations contained therein as to the continued detention of King, which appears to Her Majesty's Government to be altogether unjustifiable.

The substance of your explanations, M. le Ministre, is that the proceedings in the case have been in strict accordance with Peruvian Law. This Her Majesty's Government are not in a position to dispute; and in ordinary circumstances it would be a sufficient answer, as it is very far from being their wish to interfere with the administration of the laws of a foreign country: but they must maintain the right to protect British subjects from manifest injustice in a foreign country, even where such injustice is inflicted in accordance with the technical requirements of the law of that country; and believing, as they do, that the case of King is one of gross injustice, they cannot accept as a sufficient answer to their representations that it has been dealt with according to law.

You are aware, M. le Ministre, that the whole of the persons taken on board the *Talisman* were detained from November 1, 1874, to November 25, 1875, while the case of the vessel was under adjudication; so that when at length that protracted trial was ended, and those against whom no sufficient evidence had been adduced were set at liberty, those unfortunate men had suffered the severe punishment of imprisonment for more than a year.

By the judgment then pronounced the master and the two mates of the *Talisman* were committed for trial on a criminal charge, and it might reasonably have been expected that as the case had already been under investigation for nearly a year, a short time would have sufficed to decide the question of their innocence or guilt.

In spite, however, of the earnest and frequent remonstrances of Her Majesty's Representative in Peru, it was not until after the lapse of nearly five months more that the Court of First Instance delivered judgment condemning the prisoners, Haddock and King, to four years' banishment.

In the meantime the third prisoner, Sibley, had been murdered by a fellow-prisoner.

Two months more have now passed, yet still Haddock and King are in prison, where they have now been for nearly 20 months.

It is true that, as far as Haddock is concerned, he appears to have contributed in some measure to the delay that has taken place by his conduct in appealing against the sentence of banishment passed upon him; but there is no such justification in the case of King, who has not only not appealed, but has willingly accepted the sentence passed upon him, and wishes for nothing better than permission to leave Peru. Yet, instead of the sentence being carried out, King has been kept in prison while the case has been tried over

again before a Court of Appeal, and it appears that he is to be further detained until the case shall have been decided by the Supreme Court; all this delay, which practically inflicts upon King an imprisonment of indefinite duration instead of the banishment to which he was condemned, being justified solely on the ground that Haddock—for whose actions King is in no way responsible—has thought proper to appeal. Such a proceeding, M. le Ministre, may be in accordance with Peruvian law, but it appears to Her Majesty's Government to be contrary to common sense and common notions of justice.

The continued detention of King appears to Her Majesty's Government to be an arbitrary and unjust act, though carried out under the forms of law, and to be without the slightest justification. It is bringing the relations between Great Britain and Peru into jeopardy; and it is doing Peru great harm not only in England but throughout Europe, costing her heavily financially in credit, and may give rise to claims and difficulties of all descriptions.

Her Majesty's Government fully reciprocate the wish expressed in your letter for the maintenance of friendly relations with Peru, but it is their duty, and one to which the greatest importance is attached by themselves, by Parliament, and by all classes in Great Britain, to see that British subjects are not treated with injustice in foreign countries, even when the treatment complained of is in accordance with the forms of law; and I must therefore beg that you will have the goodness to urge your Government by telegraph to give immediate orders for the release of King.

I do not consider it necessary to continue the discussion as to the return by the Peruvian Minister for Foreign Affairs of Mr. Spenser St. John's note of the 24th of April; but I inclose a copy of the note from M. de la Torre of the same date returning it, and I leave it to you, M. le Ministre, to judge of the propriety of the terms in which M. de la Torre's is couched.

I may, however, add that the French Ambassador at this Court has been good enough to communicate to me, by order of his Government, a despatch from the French Minister at Lima, to whom Mr. St. John showed M. de la Torre's note, and who expresses as much surprise as Mr. St. John himself at the extraordinary conduct of the Peruvian Minister in the matter.

I am, &c.,

DERBY.

*Señor Gálvez.*

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*Señor Gálvez to the Earl of Derby.—(Received July 6.)*

(Translation.)

MY LORD,

*Peruvian Legation, London, July 5, 1876.*

I HAVE had the honour of receiving your Excellency's note

dated the 20th of June, in which your Excellency declares the wish of Her Majesty's Cabinet that I should urge my Government to give immediate orders for the release of King.

That declaration will cause a profound sensation in my Government, to which I have communicated it by telegram without loss of time, and whose answer I am expecting every moment.

If the sitting of Parliament of the 21st March last, when the question of the defendants in the case of the *Talisman* was brought forward, caused great mortification in Peru, by reason of the violent and undeserved attacks that were made on the Republic and its authorities, it was, at the same time, seen with satisfaction that the representative of the Cabinet and the Attorney-General then did in some measure justice to Peru. But now your Excellency expresses yourself with such severity in regard to my Government that the effect will be more painful than all the mischief that the use of force might produce.

I have no doubt that when your Excellency thought it necessary to express the desires of the English Cabinet in the terms which your Excellency has employed, it was with the pain which a great nation cannot but feel in such a case, more especially when addressing another nation, like Peru, which has always used every exertion to cultivate friendly feelings with Great Britain. But, nevertheless, the situation is no less delicate for my Government, nor is it any the less my duty to examine that situation so far as I can.

The continued imprisonment of King appears so monstrous in your Excellency's eyes that it could not be borne even though it should be in accordance with the laws of Peru, and your Excellency considers it the duty of Her Majesty's Government to prevent the manifestly unjust treatment of its subjects in a foreign country, even though that treatment may have resulted from proceedings in conformity with legal forms. Above all your Excellency thinks it contrary to common sense that King should have been kept in custody during the Second and Third Instance of the trial, when he had acquiesced in the sentence passed in the First Instance, and that he should have been obliged to undergo the consequences of appeals made against that sentence by other persons interested in the trial.

I can understand that your Excellency should consider it an anomalous fact that when a defendant has acquiesced in the sentence passed upon him, he should be compelled to undergo fresh trial before other Judges, and be exposed to the risk of having that sentence made more unfavourable or injuriously modified. This appears preposterous in countries like the United Kingdom, where the sentences in criminal cases have an irrevocable character, as emanating from juries who give a conscientious opinion, upon which

there can be no further question. But it is not preposterous in countries where such sentences are passed by professional Judges forming Courts of various degrees, which sentences cannot be executed until they reach definitive judgment, and this only occurs when they have been confirmed by the Tribunal highest in grade, or when they have not been appealed against in the inferior Court.

Upon this system, which Peru and many other States, amongst them Spain, have observed for ages, the sentences are passed in all instances by professional Judges, who decide in reference to law and to fact, and those only become definite in which there can be no modification according to law. The same system is observed in almost all European countries in regard to civil cases. In short, whenever a sentence is passed by professional Judges in inferior instance, the fact of an interested person acquiescing in it is not sufficient to insure its execution in regard to him, nor does it prevent the due course of the trial in the other instances, inclusive of every one interested.

In the present case, the proceedings against the captain and mate of the *Talisman* have been decided in First and Second Instance, and they are now pending, in last resort, before the Supreme Tribunal, to decide upon the appeal for nullity presented by the Fiscal (legal representative of the Government); for the Fiscals are parties in criminal trials as well as the accused, and they have the same right as the latter to protest or appeal against the sentence. The sentence passed by the Supreme Court is that which has to be executed in conformity with the law. The adoption of the jury in criminal cases might certainly be considered an improvement in order that there should be but one sentence, and that the trials should conclude with that. But at present in Peru, as in all countries where Spanish laws have formed the basis, there is no other procedure than that which has been observed in the case of King.

There has been nothing anomalous, much less hostile, in this case, on the part of the Peruvian Courts, and far from their conduct having been exceptionally unfavourable towards the accused in the case of the *Talisman*, it has been such that there could not have been more lenity in the sentences hitherto passed against them.

What appears most blameable in your Excellency's eyes is that King should have been kept in prison for 20 months, and although it is notorious that the first 12 months were occupied by the prize trial before another Court, and that the criminal trial could not be commenced before that was completed, your Excellency is still surprised that there should have been so much delay after the elucidations which that trial must have afforded.

Upon this point I will frankly state my opinion that our

practice of awaiting the conclusion of the prize trial, before commencing the criminal trial, is productive of great inconvenience, and that perhaps our laws ought to be modified in this respect; but meanwhile nothing else could be done, for such has been and is our law, not created for this case, but, on the contrary, applied against the feelings of the Government and of the Courts, which would have desired that the criminal trial should not be held in suspense for a single day.

This has been a deplorable circumstance, but I hope to prove, when the details of the trial are in my possession, that if there was a suspension for 12 months, it was because those who are now defendants in the criminal trial, and who complain so bitterly of its length, employed every means which the law allowed to defend the vessel, and because the traverses in the expedition of the *Talisman* to various ports of South America, and finally its attack upon two ports of Peru to the north and south, required a long time to obtain the necessary information.

We are not the less sorry that such delay should have occurred; but we must estimate the circumstances at their proper value if we would not form undue opinions of the situation, painful as it is, which they have created.

The time occupied in the criminal trial, as to which I hope likewise to furnish your Excellency with details, is not extraordinary, considering the complicated nature of this affair, in which it must be borne in mind that not only Haddock and King were included, but other persons of diverse nationality, who, like them, availed themselves of their right of defence.

The trial has passed through two Instances, and only the decision of the third is wanting; this we are expecting from day to day.

Under the impression that the continued imprisonment of King is monstrous, your Excellency has declared that it is your duty not to tolerate it, even though it should be in conformity with the laws of Peru. I will not enter upon the discussion of this doctrine, for such discussion would lead to the examination of the question what is the manifest injustice, and what are the bounds that separate it from such as have not that character, that is, when can a Government say that it does not recognize as just the application of the laws of another country to its subjects; thus abandoning the principle, generally acknowledged, that foreigners are subject to the same laws as the natives, and that they have no right to the protection of their Governments so long as those laws have been fulfilled.

Reserving to my Government the examination of this question, I shall do no more than to state to your Excellency, with all the

respect due to the British Cabinet, that I consider the foundation upon which the aforesaid declaration of your Excellency is based to be very dangerous for application to the international relations of Peru with other States; for inasmuch as Peru does not consider that she possesses laws, customs, and the other elements of civilization in the advanced degree that she desires, such a principle in her international relations would cause that which is presented as an exception to be converted into a general rule, and the pretension now made by an enlightened country, certainly without intention to injure us, would soon be brought forward by some other which might abuse force, and thus our international right would be exposed to impassioned interpretations which the circumstances of the moment might originate.

I am very far from thinking that Her Majesty's Cabinet, in manifesting to me its wish with regard to King, had the intention to humiliate us, still less to strike at our international right by creating a grievous precedent, which might be abused under other circumstances, and by another Government; I believe, on the contrary, that the spirit of the British Cabinet is well manifested in the following words of the Attorney-General at the sitting of Parliament on the 21st of March:—

“Turning to the next and the substantial ground of complaint, the delay which had arisen in the trial of those men, we must ask, in the first place, whether that delay was one for which the Executive Government or the legal Tribunals of Peru were responsible; because, if it were the latter, we should, according to international law, have no right to interfere. . . . But the Attorney-General for Peru said this was the law of Peru, and the law of France also, and the Minister for Peru said this was the reason why the trial did not proceed. If the Tribunals were right in delaying the trial of the men till the decision as to the condemnation of the vessel itself, we had no ground of complaint. . . . The Tribunals might have been wrong in coming to this conclusion; but even if this were so, the Executive Government were not responsible for the errors of the Tribunal.”

And those same principles so energetically maintained by England in the Geneva Arbitration give us assurance that your Excellency's language on the present question does not imply the establishment of new and prejudicial rules, to be applied in our international relations. I am persuaded, therefore, that it was only the desire to see one of your fellow-citizens freed from confinement that induced your Excellency to employ the terms which you have used in addressing the Peruvian Government for that purpose. But the Government of Peru, notwithstanding its wish to please Her Majesty's, has not the power to interfere in judicial matters (which



is likewise the case with the English Government), and its action in conformity with the law is limited to the execution of the resolutions passed by the Tribunals. My Government will answer your Excellency's declaration; meanwhile I restrict myself to the endeavour to prevent a misconception in the mind of the British Cabinet in attributing to want of will what would only be want of authority to act in the manner that your Excellency desires. It is also the duty of my Government to proceed as may be most fitting, in the present situation, and if the Supreme Court, as we expect, should leave the sentence in First Instance standing, it will be immediately carried out by the Government with all the more satisfaction, inasmuch as it will thus fulfil its constitutional obligations and those of friendship towards your Excellency's Government.

I will not conclude without expressing to your Excellency again my regret at the circumstances which caused the return of Mr. St. John's despatch with that of which your Excellency has been pleased to send me a copy. But it is my duty to protest once more, that in acting so my Government never thought of evincing the least disrespect towards the British Representative, and I am certain that it is disposed to leave Her Majesty's Government in no doubt as to that feeling.

I have, &c.,

*The Earl of Derby.*

P. GALVEZ.

*The Earl of Derby to Señor Galvez.*

M. LE MINISTRE,

*Foreign Office, July 12, 1876.*

I HAVE received the letter which you did the honour to address to me on the 5th instant, relative to the case of the *Talisman* prisoners.

As you state therein that you expect an answer forthwith from your Government upon the subject, I do not think it necessary to do more than acknowledge the receipt of your communication, but I feel it my duty to impress upon you, M. le Ministre, that the matter cannot be allowed to remain long in suspense.

I have, &c.,

*Señor Galvez.*

DERBY.

*Mr. St. John to the Earl of Derby.—(Received July 17.)*

MY LORD,

*Lima, June 3, 1876.*

As I announced to your Lordship by telegram, the Superior Court confirmed in substance the sentence pronounced by the Callao Court on the *Talisman* prisoners. Three Judges voted for, and two against, the sentence; the latter insisting on a heavier punishment being awarded than simple banishment. The Public Prosecutor, who had demanded that a severe sentence should be

passed, as the prisoners had been guilty of piracy, immediately appealed to the Supreme Court. The Supreme Court has many cases to settle before that of the *Talisman* prisoners can come before it; but, as neither side can have any fresh arguments to advance, it is probable that its sentence may be pronounced before the end of this month. It is to be hoped that this will be final.

I have, &c.,

*The Earl of Derby.*

SPENSER ST. JOHN.

*Señor Galvez to the Earl of Derby.—(Received July 28.)*

(Translation.)

*Peruvian Legation,*

MY LORD,

*London, July 26, 1876.*

I HAVE the honour of informing your Excellency that I have received a telegram from my Government, dated the 15th instant, which tells me that the case of the *Talisman* is still pending before the Supreme Court of Justice at Lima, and that the delay is caused by the accused. Once more it appears, in this trial, that the means of defence adopted by the defendants themselves are the cause of the delay.

Although this information may not fully satisfy the British Government, which requires the immediate release of King, even by setting aside the legal forms of Peru, still it shows that the Government and all the Peruvian functionaries concerned in this affair are animated by the most lively interest to see it terminated as soon as possible; and if this has not taken place as yet, it has been for want of authority, not for want of will.

On the other hand, my Government has been unable to believe, that the questions respecting the *Talisman*, wherein justice is so much on the side of Peru, could afford occasion for compromising its good relations with Her Britannic Majesty's Government. The discussion being on a question of equity concerning the long duration of the trial, certainly painful for all, my Government has trusted that when, at last, the circumstances that have occurred were explained, the rectitude of its proceedings would be manifest, and the relations between the two countries would not suffer. But, at present the tenour of your Excellency's communications will have given my Government a perfect idea of the situation as it is, looked upon here, and I have no doubt that all the measures which that situation requires will be taken by my Government, and that it will do all that the nations most friendly to Great Britain could do in similar cases, provided that its dignity be unharmed. Sure I am that my Government has plenty of such intentions, and the circumstance that on the 2nd of August next the Government of General Prado is to be inaugurated, and that he, having just been in England, has had an opportunity of ascertaining for himself how

the question is looked upon here, is a fresh reason for hoping that the solution will be satisfactory, so far as it can depend upon the measures of the Peruvian Government.

I avail, &c.,

*The Earl of Derby.*

P. GALVEZ.

*Señor Galvez to Lord Tenterden.—(Received August 1.)*

*Peruvian Legation, London, July 31, 1876.*

M. GALVEZ presents his compliments to Lord Tenterden, and has the honour to inform his Lordship that on the 26th instant he telegraphed to the Peruvian Government, in the spirit of the conversation he that day had with Lord Tenterden, urging for a reply by telegraph. That reply might have been received to-day; but, much to M. Galvez's regret, and doubtless owing to an interruption in the cable between Bahia and Rio de Janeiro, both the outward message and the reply are likely to be delayed some few days.

*The Earl of Derby to Señor Galvez.*

M. LE MINISTRE,

*Foreign Office, August 3, 1876.*

I HAVE the honour to acknowledge the receipt of your letters of the 26th and 31st ultimo, relative to the case of the *Talisman*, and it is with very great regret that I learn therefrom that the proceedings before the Supreme Court of Justice at Lima have not yet been brought to a close.

In your letter of the 26th ultimo you allude to the inauguration of the Government of the new President of Peru, his Excellency General Prado, which was to take place on the 2nd instant, as being likely to lead to a satisfactory solution. I trust, M. le Ministre, that this anticipation may be justified by the event; but I feel it my duty again to impress upon you that Her Majesty's Government cannot allow this matter to continue unsettled, and that they cannot accept the dilatoriness of Peruvian legal proceedings as a sufficient justification for the indefinite imprisonment of a British subject.

Should Her Majesty's Government eventually decide to prefer a claim to compensation on behalf of King, the continued delay which has taken place will afford strong grounds on which such a claim might be founded; and the Peruvian Government must be prepared for the assertion of a claim on behalf of King, as well as on behalf of the relatives of Sibley.

In mentioning these claims, which Her Majesty's Government may find it their duty to lay before the Government of Peru, I must beg you to understand, M. le Ministre, that by so doing I do not in any way relinquish the right of Her Majesty's Government to put

forward other claims arising out of the case of the *Talisman*, should they think fit to do so hereafter.

I have, &c.,

*Señor Galvez.*

DERBY.

*NOTE of the United States' Government, denouncing the Treaty of Commerce and Navigation with Belgium of July 17, 1858.\**  
—*Brussels, July 1, 1874.*

*Mr. Jones to Count d'Aspremont-Lynden.*

*Legation of the United States,*

SIR,

*Brussels, July 1, 1874.*

UNDER instructions from the Government of the United States, I have the honour to transmit to your Excellency a certified copy of a joint Resolution of the Congress of the United States, approved by the President on the 17th of June, 1874, in regard to the termination of the Treaty concluded between the United States and His Majesty the King of the Belgians on the 17th of July, 1858.

I have the honour to further inform your Excellency that I am directed to notify His Majesty's Government that as it is considered to be no longer for the interest of the United States to continue the said Treaty in force, it will terminate and be of no further effect, as provided by the terms of the instrument, at the expiration of 12 months from the date of the reception by your Excellency of this note.

I pray, &c.,

J. R. JONES.

*Count d'Aspremont-Lynden.*

*Count d'Aspremont-Lynden to Mr. Jones.*

(Translation.)

*Ministry of Foreign Affairs,*

SIR,

*Brussels, July 7, 1874.*

I HAVE the honour to acknowledge the receipt of the letter which you were pleased to address to me, under date of the 1st instant, to give me notice of the resolution which the Government of the United States has thought fit to take to annul the Treaty of Commerce and Navigation of July 17, 1858.

You are of opinion, Sir, that the term of 12 months which is to follow the notification will begin from the day of the reception by my Department of the communication of July 1.

The letter referred to reached me on the same day upon which it was sent.

The Government of the King concurs with you, Sir, that the Treaty above mentioned will cease to have effect on July 1, 1875.

I take, &c.,

*Russell Jones, Esq.*

COUNT D'ASPREMONT-LYNDEN.

*MEXICAN DECREE, amending the Constitution of the Republic.—Mexico, September 25, 1873.*

(Translation.)

SERASTIAN LERDO DE TEJADA, Constitutional President of the United States of Mexico, to all the inhabitants thereof:

Know ye that the Congress of the Union has decreed the following:—

The Congress of the United States of Mexico, in the exercise of the faculty conferred upon it by the 127th Article of the Constitution promulgated on the 12th of February, 1857,\* and with the previous approval of a majority of the Legislatures of the Republic, declares—

The following are additions and amendments to the said Constitution:—

ART. 1. The State and the Church are mutually independent. Congress cannot pass laws establishing or prohibiting any religion.

2. Marriage is a civil contract. This and the other acts of the civil life of individuals are under the exclusive supervision of the civil officials and authorities, in the manner provided by the laws, and will have the force and validity which said laws confer upon them.

3. No religious institution can acquire real estate or capital, secured by mortgage thereupon, with the single exception provided in the 27th Article of the Constitution.

4. The simple promise to speak the truth and comply with the obligations which are undertaken shall take the place of the religious oath, with its effects and penalties.

5. No one can be compelled to give personal service without just compensation and without his full consent. The State cannot permit any contract, compact, or agreement to be executed which may have for its object the diminution, loss, or irrevocable sacrifice of personal liberty, whether by reason of labour, education, or religious vow. The law, therefore, does not recognize monastic orders, nor can it permit their establishment, under whatever name or object they may claim it to be formed. Neither can it allow any

\* For Provisional Constitution of May 15, 1856, see Vol. XLVII. Page 1067.

compact by which an individual agrees to his own proscription or banishment.

Hall of the Congress of the Union, Mexico, September 25, 1873.  
(Signed by all the Deputies of the Congress.)

Therefore I order the above to be printed, published, circulated, and duly obeyed.

Given in the National Palace of Mexico, September 25, 1873.

SEBASTIAN LERDO DE TEJADA.

*CORRESPONDENCE between Great Britain, Austria, France, Germany, Italy, Russia, and Turkey, respecting the proposed meeting of a Conference at Constantinople for the Solution of Questions arising out of events in Turkey. (Independence and Territorial Integrity of the Ottoman Empire; Servia; Montenegro; Bulgaria; Bosnia; Herzegovina; and Reforms.)—October, November, 1876.\**

No. 512.—*The Earl of Derby to Lord A. Loftus.*

MY LORD,

*Foreign Office, October 5, 1876.*

I HAD some conversation with the Russian Ambassador this afternoon as to the fresh steps that are now being taken to procure an armistice between Turkey and Servia.

Understanding from what had fallen from his Excellency in previous conversations that the Russian Government would still view with favour the plan of a Conference to consider the means of arranging a permanent settlement, I told him that Her Majesty's Government would propose, in the event of the armistice being concluded, that a Conference should immediately follow; and that Her Majesty's Ambassador at Constantinople was authorized to make this known to the Porte.

Count Schouvaloff appeared to think that this course would meet with the approval of his Government.

I am, &c.,

*Lord A. Loftus.*

DERBY.

No. 513.—*The Earl of Derby to Lord A. Loftus.*

MY LORD,

*Foreign Office, October 5, 1876.*

WITH reference to my despatch of the 4th instant, I have to request your Excellency to state to the Russian Government that Her Majesty's Government consider that the armistice should be immediately followed by a Conference, and that instructions in this

\* Laid before Parliament with other Correspondence respecting the Affairs of Turkey in 1877.

sense have been sent to Her Majesty's Ambassador at Constantinople, for communication to the Porte. I am, &c.,

Lord A. Loftus.

DERBY.

*No. 518.—The Earl of Derby to Lord Odo Russell.*

MY LORD,

Foreign Office, October 5, 1876.

I ENCLOSE copy of a despatch which I have addressed to Her Majesty's Ambassador at St. Petersburg,\* stating that the Emperor of Russia had proposed to the Guaranteeing Powers that they should impose upon the Porte an armistice or truce of six weeks, and that Her Majesty's Government have replied, through Count Schouvaloff, that they will support at Constantinople the proposal for the conclusion of an armistice for not less than one month, as the next step to be taken in the event of the definitive rejection by the Porte of the terms of peace which have been proposed by Her Majesty's Government and supported by the other Powers; but that they cannot concur in the previous suggestion of Prince Gortchakow as to the occupation of Bulgaria and Bosnia, and the entry of two fleets into the Bosphorus.

I have to instruct your Excellency to communicate the substance of this despatch to the German Government, and to state that Sir Henry Elliot has been directed to intimate to the Porte that if the terms of peace shall be rejected, and the armistice accepted, it is the opinion of Her Majesty's Government that a Conference should immediately assemble.

I am, &c.,

Lord Odo Russell.

DERBY.

*No. 528.—Sir A. Buchanan to the Earl of Derby.—(Received October 6, 7.45 P.M.)*

(Telegraphic.)

Vienna, October 6, 1876, 5.26 P.M.

I HAVE acquainted Count Andrassy with the substance of your Lordship's telegram of yesterday to Lord A. Loftus, and with your having instructed Sir H. Elliot to inform the Porte that it is intended that the armistice asked for shall be followed by a Conference.

His Excellency said he cannot assent to take part in a Conference until he knows how it is to be composed and the objects which it is proposed to obtain from it, and in the present state of things he can only anticipate its leading to abortive or dangerous results. Is Turkey, he asked, to be represented in the Conference, and if she is not, is it probable that she will agree to carry out its decisions?

If, therefore, it is intended to propose an ultimatum to be submitted to the Porte, the Governments must be prepared to use force

\* Similar despatches were addressed to Sir A. Buchanan, Lord Lyons, and Mr. Malet.

to impose it, and in the present temper of the Turkish Government and the excitement of the Russian nation he fears whatever decision may be taken will inevitably lead to war.

On the general question he expressed strong opinions against the expediency of asking for concessions which the Porte cannot grant, instead of being satisfied with moderate measures which could be easily carried out. It is clear, he said, that every step in advance beyond what is absolutely necessary, on the part of one of the Powers, will be followed by a further one on the part of another Power, as England's adding new administrative institutions for Bulgaria to her demands on the Porte was immediately followed by Russia proposing to occupy Bulgaria.

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*No. 536.—Lord Lyons to the Earl of Derby.—(Received October 8.)*

MY LORD,

*Paris, October 6, 1876.*

THE Duc Decazes came back to Paris this evening, and I went to him immediately, and, in execution of your Lordship's instructions, communicated to him the answer which has been made by Her Majesty's Government to the Russian proposal that an armistice or truce of six weeks shall be imposed on both Turks and Servians.

I said that Her Majesty's Government had determined to give their support to the proposal of an armistice of not less than a month, as the next step to be taken in the event of the rejection by Turkey of the terms proposed as a basis of peace.

I proceeded to tell the Duc Decazes that Her Majesty's Government considered that the armistice should be followed immediately by a Conference; and that you had instructed Sir Henry Elliot to intimate this to the Porte.

I added that your Lordship had informed the Russian Ambassador in London that Her Majesty's Government were unable to concur in the proposals made by Prince Gortchakow with regard to the occupation of Turkish territory, and the entrance of the united fleets into the Bosphorus.

The Duc Decazes authorized me to state to your Lordship that he would immediately send instructions to the French Ambassador at Constantinople to support energetically the demand for an armistice.

I observed to the Duke that your Lordship had also directed Her Majesty's Agent and Consul-General at Belgrade to join his colleagues in pressing the Servian Government in the strongest manner to accede to an armistice; and I suggested that it would be desirable to send similar instructions to the French Agent at Belgrade.

The Duke readily agreed to send such instructions at once.



He observed that it was supposed that the Ottoman Ministers objected to the term "armistice" on the ground that the use of that word would imply a recognition of the Servians as regular belligerents, whereas in the eyes of the Porte they were simply insurgents. The word "truce," however, appeared to be regarded at Constantinople as comparatively unobjectionable.

I remarked, in answer, that the Russian proposal was for an armistice or a truce.

The Duc Decazes expressed his concurrence in the opinion of Her Majesty's Government that the armistice should be followed immediately by a Conference. As matters stood, a Conference seemed, he said, to him to be in fact almost the only chance left of avoiding a recourse to force.

He spoke at some length of the inconvenience, and, indeed, danger, which would attend the occupation of Turkish territory by any of the Powers, or the entrance of the fleets into the Bosphorus; and he appeared to be well pleased that Her Majesty's Government had not agreed to either of these measures.

I have, &c.,

*The Earl of Derby.*

LYONS.

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*No. 540.—Sir H. Elliot to the Earl of Derby.—(Received October 8, 5:30 P.M.)*

(Telegraphic.)

*Therapia, October 8, 1876, 12:45 P.M.*

FROM a conversation that I have just had with the Minister for Foreign Affairs I have great expectation that the Porte will agree to an armistice.

I hope, also, that the answer of the Porte may be still so far modified as to be an acceptation rather than a rejection of the conditions of peace proposed by your Lordship.

Minister asked me whether, in the event of the conditions being accepted, a Conference would still be proposed.

I said that it had been talked of on the supposition of their rejection by the Porte, but I could not say what the decision of the Powers might be in the event of the Porte accepting the conditions as the basis of peace.

There is so much dread of a Conference that the hope of avoiding one by accepting the propositions has great influence on the Turkish Ministers.

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*No. 541.—The Earl of Derby to Sir A. Buchanan.\**

SIR,

*Foreign Office, October 8, 1876.*

I GATHER from your Excellency's telegram of the 6th instant,

Substance telegraphed.

that Count Andrassy has stated that he would not be disposed to assent to a Conference until he should be satisfied as to its composition and objects.

I am not surprised to learn that he should have expressed this hesitation, which is not unnatural, but I should wish you to explain to him that it had never been contemplated by Her Majesty's Government that a Conference should assemble until a basis should have been arranged which should define the subjects to be considered and secure their being confined within certain limits.

Her Majesty's Government expressed their opinion that, if the terms of peace should be refused by the Porte and an armistice accepted, a Conference should meet, because this appeared to them to be the best, if not the only, means of bringing about an agreement as to the course to be pursued, and because the meeting of the Powers in Conference would afford the best security that could be found against independent action on the part of any one Power without the consent of the others.

It is also obvious that the meeting of a Conference—a course which would be in accordance with usage on previous occasions, when the concert of the Powers has been desired on Turkish affairs—would have the advantage of affording time for the excitement in Russia to subside, which is now one of the principal obstacles to a pacific solution of existing difficulties.

Your Excellency will lay these considerations before Count Andrassy, and will explain to him that all that is asked of him at present is that he should not object to the principle of a Conference.

If he accepts that principle Her Majesty's Government will gladly join with him in endeavouring to arrange a satisfactory basis upon which the deliberations shall be regulated.

Concerted action on the part of the Powers is at the present moment of the most vital importance, as in the interests of peace it is essential that the Porte should not be encouraged to persist in an obdurate refusal of the terms of pacification and of the armistice by its supposing that the harmony of ideas which induced all the Powers to support the British proposals no longer exists.

Her Majesty's Government earnestly hope, therefore, that Count Andrassy will not use any language at Constantinople which could be so construed as to encourage further resistance.

I am, &c.,

Sir A. Buchanan.

DERBY.

No. 547.—*Lord Odo Russell to the Earl of Derby.*—(Rec. October 9.)

MY LORD,

Berlin, October 6, 1876.

In obedience to your Lordship's telegraphic instructions, I informed Herr von Bülow to-day of the answer your Lordship had  
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given to the Russian Government through Her Majesty's Ambassador at St. Petersburg respecting the Czar's proposal to the Guaranteeing Powers that further bloodshed should be immediately arrested by imposing an armistice or truce of six weeks on both parties so as to give the mediating Governments time to consider the means of definitively arranging the pending questions.

Her Majesty's Government have decided, I said, to give their support to the proposal of an armistice of not less than a month, as the next step to be taken in the event of the rejection by Turkey of the proposed terms for a basis of peace, but that Her Majesty's Government were unable to concur in Prince Gortchakow's previous suggestion respecting an occupation and the entry of the united fleets into the Bosphorus.

I also stated that Her Majesty's Government considered that the armistice should be followed immediately by a Conference, and that your Lordship had instructed Her Majesty's Ambassador at Constantinople to intimate this to the Porte.

Herr von Bülow, in reply, said that he would at once transmit your Lordship's communication to Prince Bismarck, who is at Varzin.

I have, &c.,

*The Earl of Derby.*

ODO RUSSELL.

*No. 552.—The Earl of Derby to Sir A. Buchanan.*

SIR,

*Foreign Office, October 9, 1876.*

THE Austrian Ambassador called upon me this afternoon by appointment on his return to his post, and read to me a telegram which he had received from Count Andrassy, giving the reasons of the Austrian Government for objecting to the plan of a Conference to meet on the conclusion of an armistice between Turkey and her opponents.

Count Andrassy asks what would be the object of the deliberations of the Conference. The Powers are already agreed upon the basis of peace. The question to be discussed, therefore, is that of the means to be employed in order to bring the Porte to accept these conditions. And upon this question another instantly arises. Is Turkey to be represented at the Conference? If she is so represented, she must appear on an equality with the rest, and upon that footing she is not likely to concede to the representations of a Conference, in which there are sure to be differences of opinion, that which she has refused to the united demand of Europe. If, on the contrary, she is excluded from the Conference, she will draw from this a legitimate argument for denying its competency, and we are once more in presence of the problem of employing measures of coercion.

We must also consider, says Count Andrassy, the difficult posi-

tion in which the Emperor Alexander will be placed in case the Porte refuses to submit to the decisions of a Conference. The Emperor Alexander is desirous of peace, but we know also that he is being urged in a contrary direction.

The Austrian Government state, however, that they do not wish to thwart the action of England, and are only anxious to have a thorough understanding upon the whole question.

They wish, therefore, to know—

1. Whether the Porte is to take part in the Conference.
2. Where the Conference is to meet.
3. If the Conference is to be composed of the Foreign Ministers of the respective countries or of Plenipotentiaries.
4. What is to be the programme of the Conference.

It will depend upon the information derived from the answers to these questions whether they can waive the objections they now entertain to the idea. Until then they are of opinion that a Commission at Constantinople, such as had previously been suggested, would be a preferable plan, and would more profitably employ the time allowed by the armistice.

As Count Beust did not ask for an immediate reply to the above queries, I told his Excellency that I must reserve my opinion on the first point, namely, whether or no the Porte should be represented in the Conference. It would be necessary to ascertain the views of other Powers, which were still unknown to me.

As to the second question, I must equally reserve a final expression of opinion; but, personally, I was inclined to think that Constantinople would be on various accounts the most convenient place of meeting.

As to the third, I considered that the personal attendance of the various Foreign Ministers at a Conference whose sittings might last some time would be in many respects inadvisable.

As to the fourth, I agreed in the view which I understood to be that of Count Andrassy, that a Conference without a basis was not likely to lead to good results, and I thought that a programme, more or less definite, ought to be agreed upon before it met; but the terms of such programme would require care in framing, and I could only say that it should be submitted to the Powers in due course.

I am, &c.,

*Sir A. Buchanan.*

DERBY.

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*No. 579.—The Earl of Derby to Lord A. Loftus.*

MY LORD,

*Foreign Office, October 10, 1876.*

THE Russian Ambassador told me this afternoon, but as his personal opinion merely, that he thought it not unlikely that his Government would insist on the exclusion of any Turkish Repre-

sentative from the Conference now proposed. In taking this view his Government would probably be influenced by the following considerations :—

1. It would be undesirable that the Representative of the Porte should be witness to any differences that may exist between the Powers, until these have been settled and the result of the agreement can be submitted to the Porte as a proposal from the united Powers.

2. If it should be necessary for the Conference to obtain evidence or information from delegates or others competent to speak as to the state of the disturbed Provinces and the requirements of the population, these would not be able to speak freely in the presence of the Representative of their own Government.

3. If the Porte is represented in a Conference at Constantinople, the Turkish Plenipotentiary will, by diplomatic rule, be entitled to preside over the meeting, which would be inconvenient, and would place the other Plenipotentiaries in a false position. This would be an objection to the Conference being held at Constantinople, which would otherwise seem to be the most convenient place of meeting.

Count Schouvaloff suggested as one method of avoiding these difficulties, that the first sittings of the Conference should be held by the Representatives of the Six Powers merely, and that the Turkish Government should be invited to send a Representative to take part in the discussion as soon as a definitive plan had been agreed upon, at all events in its broader features, which could be submitted to the consideration of the Porte.

His Excellency having explained that the above suggestion was merely the expression of his personal opinion, and that he had not the authority of his Government in making it, I reserved my opinion, merely saying that his Excellency's views should have the fullest consideration on the part of Her Majesty's Government.

I am, &c.,

*Lord A. Loftus.*

DERBY.

*No. 603.—Mr. Malet to the Earl of Derby.—(Received October 13.)*

MY LORD,

*Rome, October 9, 1876.*

SIGNOR MELEGARI informed me to-day that the Russian Ambassador had called upon him this morning, and had informed him, by order of his Government, that the question now arose as to whether, in the event of the Porte consenting to an armistice, she should be allowed to have a Representative in the Conference which was to follow, and the Ambassador announced that the Russian Government objected to the presence of a Turkish Representative.

Signor Melegari had said that he could give no reply at present to the communication made by the Russian Ambassador; that he

could not resist expressing surprise at it, but that he requested the Ambassador not to do more than say that it should be taken into consideration. To me Signor Melegari would say that he thought the pretension to exclude the Turkish Representative was not founded upon justice, and that it was contrary to Article VIII of the Treaty of Paris. He deemed, moreover, that at this moment it was a most unfortunate move.

Sir Henry Elliot was pressing for an armistice on the understanding that a Conference was immediately to follow. Supposing that, on this understanding, the Porte gave way, was she subsequently to be told that the Conference was immediately to take place, but that she was not to be admitted to it? Would not the knowledge that such a proposal had been made by Russia at this moment preclude the hope that the Porte would yield to the armistice?

The last news which he had from Constantinople stated that there was now a greater chance of the Porte's giving way. It would be most deplorable if this new complication should, as appeared likely, augment the desperation of the Porte and the disunion of the Powers. He was not prepared for the step on the part of Russia, as she had previously accepted the idea of a Conference, with the provision that it would consist of Ministers for Foreign Affairs, but at that time she had not stated her desire that the Porte should be excluded from its deliberations.

With regard to the Conference as it is now proposed, Signor Melegari seems to think that Sir Henry Elliot's instructions are that it should be held at Constantinople, which his Excellency thinks, for many reasons, is a most undesirable seat for it; but on this point, as on many others, he states that he has been willing to waive his own objections for the sake of agreement with England.

I have, &c.,

*The Earl of Derby.*

EDWARD B. MALET.

*No. 609.—Lord Lyons to the Earl of Derby.—(Received October 13.)*

MY LORD,

*Paris, October 12, 1876.*

THE Duc Decazes spoke to me at some length this morning on the subject of the proposed Conference on the Eastern Question.

The Austrian Government had, he observed, put forward four points for preliminary consideration: first, whether the Porte is to take part in the Conference; second, where the Conference is to be held; third, whether or not it is to be composed of the Foreign Ministers of the respective countries; fourth, what is to be the programme of it.

The first point appeared to the Duke to present the greatest difficulty.

It would, he said, be hardly compatible with the spirit, or even with the letter, of the Treaty of Paris for the Powers to hold a Conference on the internal affairs of Turkey without the participation of the Porte.

In reply to this objection to the exclusion of the Porte, Prince Gortchakow had, the Duke told me, referred him to a Protocol stated to have been signed in 1861, and to lay down the principle that the Powers were entitled to confer among themselves on Turkish matters. The Duke had searched in vain for this Protocol in the French Archives. The nearest approach to it which he had discovered appeared in the Preamble of a Protocol on the affairs of the Lebanon, signed in 1860.

Prince Gortchakow had, however, declared that it was not to this Protocol of 1860 he referred, and that he would get the exact date and text of the Protocol of 1861 from St. Petersburg, and communicate it to the French Government.

The Duke went on to say that perhaps the best way of turning the difficulty would be to divide the proceedings into two parts. Meetings might be held in the first instance by the Representatives of the Guaranteeing Powers.

The Powers having thus come to an agreement among themselves as to the proposals to be made to the Porte, a regular Conference, in which a Turkish Plenipotentiary should take part, might be held, in order to give effect to those proposals.

The Duke proceeded to enter into a theoretical discussion on the form in which the preliminary meetings should be held, and on the name which should be given to them. In regular course a Congress, he said, ended in a Treaty, and a Conference in a Protocol. With a view to sparing the self-love of the Turks, it might be desirable to avoid the use of either of these denominations. On the other hand, it seemed essential that some document of binding force should be signed to establish the agreement to which the Powers might come among themselves.

The new form of administration in the Lebanon had been settled by a European Commission. It had been hinted to the Duke from Constantinople, though not by the Turkish Ministers, that the Porte would not object to the appointment of a European Commission to watch over the execution of the new great reform which the Porte proposed to extend to the whole Empire. Perhaps such a Commission might now be formed to settle the conditions of peace and the administrative reforms to be pressed by the Powers on the Porte.

On the other hand, the Duke had reason to think that negotiations with Russia would be very much facilitated if satisfaction were given to the desire of that Power that a formal Conference,

even though only of a preliminary character, should be held without the participation of the Porte.

As to the second point in the Austrian inquiries, the Duke conceived that, in most respects, Constantinople appeared to be the best place for the Conference. There were, however, two objections. It might be regarded by the Turks as peculiarly offensive to exclude them from a Conference held at the seat of their own Government, or not to follow the usual rule and assign the Presidency of the Congress to the Plenipotentiary of the Power in whose capital it was held.

As regarded the third point, the Duc Decazes observed that of course it was out of the question that the several Ministers for Foreign Affairs should go to Constantinople, and that there were Parliamentary and other considerations which would put it out of the power of some of them to leave their own respective countries at all for any length of time. He thought, therefore, that if the Conference were held, it must be composed of Diplomatic Plenipotentiaries in the usual way.

As to the last point, the settling beforehand the programme of the Conference, the Duc Decazes did not foresee any great difficulty.

The basis of it would, he presumed, be the proposals which had been drawn up by Her Majesty's Government, and which had been adopted by the five other Powers, and recommended to the Porte.

I told the Duc Decazes that the Austrian inquiries had been submitted to your Lordship by the Comte de Beust.

I said that you had reserved your opinion on the question whether or not the Porte should be represented at the Conference, and had said to M. de Beust that it would be necessary to ascertain the views of the other Powers.

Your Lordship had also, I said, reserved a final expression of opinion as to the seat of the Conference, but had observed that, personally, you were inclined to think that Constantinople would be the most convenient place.

As regarded the third point, your Lordship had stated that the personal attendance of the Ministers for Foreign Affairs at a Conference of which the sittings might last some time would be unadvisable.

Finally, I told the Duc Decazes that, with regard to the last point, your Lordship had said to M. de Beust that you considered that a Conference without a basis would not be likely to lead to good results, and that you thought that a programme ought to be agreed upon beforehand, but that the terms of such a programme would require to be framed with care.

In answer to an observation made by the Duc Decazes, I said



that your Lordship had had a conversation the day before yesterday with the Comte de Schouvaloff, who had stated to you reasons against the admission of the Porte to the proposed Conference; and that your Lordship had reserved your opinion and had merely said that the views expressed by his Excellency should have the fullest consideration of Her Majesty's Government. I have, &c.,  
*The Earl of Derby.* LYONS.

*No. 612.—Safvet Pasha to Musurus Pasha.—(Communicated to the Earl of Derby by Musurus Pasha, October 13.)*

(Télégraphique.)

*Constantinople, le 13 Octobre, 1876.*

DANS un télégramme dont Sir Henry Elliot a donné communication à la Sublime Porte, Lord Derby pose au Gouvernement Impérial l'alternative d'accepter les conditions proposées ou de conclure un armistice en règle. L'Ambassadeur de Sa Majesté Britannique nous a fait pressentir à cette occasion la probabilité de la réunion d'une Conférence, dans le cas où nous nous refuserions à une suspension d'armes.

*au pape 1145*  
 Ainsi qu'il résulte de la note que j'ai remise hier soir aux Représentants des Six Puissances, la Sublime Porte se déclare prête à accepter un armistice de six mois du 1<sup>er</sup> Octobre au 31 Mars, vieux style, et s'en remet aux Délégués des Puissances du soin d'en régler les conditions, conformément aux exigences stratégiques de la situation, et de manière à satisfaire à la nécessité d'empêcher dans l'avenir les envois d'armes, aussi bien que le passage des volontaires, et de faire respecter par les deux Principautés les obligations découlant de l'armistice. Je ne doute pas que, sur ces derniers points, les Puissances ne tombent d'accord aisément, et qu'elles ne se montrent animées d'une sollicitude égale pour tout ce qui tient à l'honneur et aux droits de la Sublime Porte.

J'appelle maintenant l'attention de votre Excellence sur la question de la Conférence. La réunion projetée, si elle avait lieu, causerait tout au moins le danger de certains entraînements dont nous sommes en droit de nous préoccuper. Quand même nous entrions dans cet Aréopage Européen avec un programme arrêté de réformes, il pourrait surgir, dans le cours des pourparlers, des faits et des incidents qui, en amenant les parties à dépasser les limites tracées d'un commun accord, obligeraient la Sublime Porte de rappeler son Plénipotentiaire, ce qui nous exposerait à mécontenter la majorité qui aurait adopté les idées et les propositions rejetées ou combattues par nous. D'ailleurs, d'après la tournure que les choses ont prise, la réunion d'une Conférence ne serait en réalité d'aucune utilité.

En effet, l'échange de vues que les Puissances se proposeraient de faire par rapport à la question de paix devra être parfaitement

atteint sans qu'on eût recours à une pareille mesure. Les six mois d'armistice, en amenant nécessairement une détente dans la situation, en permettant aux esprits de se calmer dans l'intervalle, laisseraient amplement aux Puissances le temps de s'expliquer, de se renseigner mutuellement, sans que la réunion d'une Conférence vînt fournir un nouvel aliment aux passions et aux ardeurs impatientes. Pendant ce temps l'œuvre de la réforme intérieure ferait son chemin. L'Europe aurait l'occasion de s'édifier sur le caractère sérieux et pratique des promesses du Gouvernement Impérial. Nous aurions, nos amis auraient avec nous, des faits à opposer à nos détracteurs. Ce sont là des avantages incontestables, des éléments d'une valeur évidente pour la pacification matérielle et morale de l'Orient. Indépendamment de toutes les fins de non-recevoir, de toutes les résistances que nous aurions à opposer à tout projet tendant à nous faire dévier de cette voie, il me semble que le Gouvernement de Sa Majesté Britannique sera le premier à s'apercevoir qu'il ne serait guère dans l'intérêt général de prendre immédiatement à ce sujet une décision qui enlèverait du coup à la situation tout ce qu'elle présente de favorable à un arrangement satisfaisant pour toutes les parties engagées.

Je serais très-heureux de voir ces réflexions soumises à l'appréciation éclairée de Lord Derby avec toute la force de conviction et toute la connaissance des faits qui caractérisent votre Excellence. J'espère que sa Seigneurie sera d'accord avec nous pour empêcher que la question qui commence à peine à s'éclaircir, grâce à tant de sacrifices et d'efforts, ne soit engagée dans une voie pleine de nouvelles difficultés, de nouveaux périls.

*No. 621.—The Earl of Derby to Sir A. Buchanan.*

SIR,

*Foreign Office, October 13, 1876.*

THE Austrian Ambassador called upon me this afternoon and read to me a telegram from Count Andrassy stating that the Austrian Government have decided to accept the Turkish proposal of a five months' armistice, and to do all in their power to procure its acceptance by other States.

Count Andrassy adds that he will use his best efforts for this purpose at Belgrade, though Austrian influence is not predominant there; and that he will make similar representations to the Prince of Montenegro, who, he thinks, is likely to listen to the advice of Austria.

As regards the question of a Conference the Austrian Government state that they cannot determine their course without knowing what the programme of its deliberations is to be.

They think that the exclusion of a Turkish Representative would

be contrary to the provisions of the Treaty of Paris of 1856. They hope, therefore, that the two questions of armistice and Conference will be kept separate, and that the armistice will be agreed to without being complicated by considerations as to the course or form of the subsequent negotiations.

I am, &c.,

Sir A. Buchanan.

DERBY.

No. 654.—*Lord Odo Russell to the Earl of Derby.*—(Rec. Oct. 16.)

MY LORD,

Berlin, October 13, 1876.

I COMMUNICATED your Lordship's telegram of the 11th instant to Herr von Bülow respecting the importance of inducing Servia to accept the armistice, and his Excellency told me in reply that instructions had already been sent to the German Consul-General, Count Bray, to speak in the same sense as Her Majesty's Consul-General, Mr. White, to the Servian Government.

His Excellency said that the conditions of the armistice were not yet known, but that there was reason to fear that the proposed period of its duration might be objected to at Vienna and in Russia. The German Government had no wish to raise objections or to add to existing difficulties, and would, therefore, reserve their opinion until they were in possession of the views of the Guaranteeing Powers.

Regarding the proposed Conference, his Excellency said that Prince Bismarck agreed with your Lordship in thinking that it should not be entered into before its object had been clearly defined and accepted by the parties concerned.

I have, &c.,

*The Earl of Derby.*

ODO RUSSELL.

No. 670.—*The Earl of Derby to Lord Odo Russell.*

(Extract.)

Foreign Office, October 16, 1876.

THERE seems to have existed, and still to exist, a certain confusion of ideas as to the threatened withdrawal of Sir Henry Elliot under certain contingencies, which it is desirable to remove. I think, therefore, that it may be well to explain that no rupture of relations with the Porte was ever contemplated. It was thought to be advisable that, if the Porte should definitively refuse both the terms of peace and the armistice, the Ambassador should leave Constantinople for a time, but the Embassy would have remained under the direction of the First Secretary. The object of the withdrawal of the Ambassador would have been to show displeasure on the part of England, but there would have been no diplomatic rupture. I should wish your Excellency to take an opportunity of speaking in this sense to Herr von Bülow, in order to remove any misapprehension on the part of the German Government as to the intentions of Her Majesty's Government in taking this step.

It is the earnest wish of Her Majesty's Government to act, during the negotiations, in concert with the German Government, which could, in the present situation of affairs, if it would exert its influence to procure the acceptance by Russia of the armistice, do much in the interest of peace. The acceptance of the armistice would be the first step in the direction of a permanent pacification, and the next step would, in our opinion, be the assembly of a Conference.

I gather that Prince Bismarck does not appear to entertain favourably the idea of a Conference.

*Lord Odo Russell.*

DERBY.

*No. 721.—Sir H. Elliot to the Earl of Derby.—(Received October 21, 1 P.M.)*

(Telegraphic.)

*Therapia, October 20, 1876, 9.40 P.M.*

GENERAL IGNATIEW speaking of Conference says that, although your Lordship had proposed that it should be held at Constantinople, the Russian Government wished it to take place elsewhere, and that he himself was strongly of opinion that this would not be the best place.

I told General Ignatiev that I was not aware of your Lordship having suggested a Conference at Constantinople, or one from which Turks were to be excluded, as the Russian Government seemed to wish.

*No. 722.—The Earl of Derby to Lord Lyons.*

MY LORD,

*Foreign Office, October 21, 1876.*

I HAVE received your Excellency's despatch of the 12th instant, reporting a conversation which had taken place on that morning between yourself and the Duc Decazes on the subject of the proposed Conference on the Eastern Question, and I have to acquaint you that Her Majesty's Government approve the language which you held to his Excellency on that occasion. I am, &c.,

*Lord Lyons.*

DERBY.

*No. 749.—The Earl of Derby to Sir H. Elliot.*

SIR,

*Foreign Office, October 23, 1876.*

YOUR telegram of the 20th instant has been received.

I have to point out to your Excellency that I have never agreed to any Conference from which the Porte should be excluded; still less have I suggested such a course.

Though I have mentioned Constantinople as the place where a Conference might be held, the question of locality remains quite

open; and I have not pledged Her Majesty's Government to the selection of any particular place.

I am, &c.,

Sir H. Elliot.

DERBY.

*No. 778.—The Earl of Derby to Lord A. Loftus.*

(Extract.)

*Foreign Office, October 26, 1876.*

THE Russian Ambassador informed me, confidentially, on the 24th instant, that a communication had reached him to the effect that General Ignatiev had reported the following statements to have been made to him by Sir Henry Elliot:—

1. That England abandons the basis of peace lately suggested by herself.

2. That he (Sir H. Elliot) thinks the project of reform put forward by Midhat Pasha preferable to the system of "local autonomy," which he looks upon as "inexecutable."

3. That Her Majesty's Government had never proposed a Conference at Constantinople.

4. That if the Conference is held at Constantinople, England declares it to be impossible to exclude the Turkish Representative.

His Excellency asked me to inform him to what extent the above statements might be relied upon as having come from Sir H. Elliot, and as representing the views of the British Government.

I told Count Schouvaloff that I could answer him at once, and without difficulty, on the four points to which his question referred.

The second allegation referred only to the supposed personal opinion of Sir H. Elliot, and need not, therefore, be dealt with at any length. Sir Henry Elliot had probably expressed a favourable opinion of several parts of the scheme of reform proposed by Midhat Pasha, and I had no doubt that he felt strongly—as I also did—the difficulties which stood in the way of carrying into effect any scheme of administrative autonomy. It was not alleged that Sir H. Elliot had in any respect either exceeded or fallen short of his instructions, and Her Majesty's Government were fully satisfied as to his discretion and judgment.

With regard to the third assertion, it was, as his Excellency must be aware, strictly accurate that Her Majesty's Government had never proposed that a Conference should be held at Constantinople. They had proposed a Conference, and, in conversation with him and others, I had more than once expressed my personal opinion that Constantinople would be, on the whole, the most convenient place of meeting; but I had never said so officially or in the name of the Government, and, in fact, I had at all times been careful to reserve entire freedom of decision on that point; which was the more necessary as I was not fully acquainted with the views of the other Powers concerned.

As to the statement that if the Conference is held at Constantinople, England declares it to be impossible to exclude the Turkish Representative, it seemed to me that there must be some misunderstanding, since Sir H. Elliot could certainly never have stated an intention to exist on the part of his Government which had not in any way been announced, or even hinted at. He might have stated, as I had done here, his own impression as to the difficulty, not to say impossibility, of excluding the Representative of Turkey from a Conference on Turkish affairs held in the Turkish capital; but the question had never been discussed among the Powers, or decided by them, and no official declaration had been made by me on the subject.

As to the first point, which, being the most important, I had reserved for the last, it was obvious, I said, that the English Government could not abandon ideas which they had put forward only a month ago, nor was it possible that Sir H. Elliot should represent such abandonment as having taken place. That he had not done so was certain; but I could understand how, on this point, a misunderstanding might have arisen.

When it seemed too probable that the bases of peace proposed by England and supported by Russia in common with the other Powers could not be accepted by the Porte, the Russian Government, as he could recollect, had suggested a joint occupation by Austria and Russia, and a naval demonstration by the combined fleets. This proposal was rejected by England, and Her Majesty's Government, in lieu of further pressing on the Porte the immediate acceptance of the bases to which objection had been taken, had proposed instead that an armistice should be asked for, to be followed by a Conference. No programme or basis for the deliberation of this Conference had as yet been laid down, but it was understood by Her Majesty's Government, and, as I presumed, by the other Powers also, that it would have for its principal object the discussion of internal reforms to be effected in the Turkish Empire. Russia and the other Powers had agreed so far as the demand for an armistice was concerned, the question of the expediency of a Conference remaining still under discussion.

It was true, therefore, that these proposals had ceased to be pressed on the Porte. One mode of proceeding having been found unsuccessful had been dropped, and another substituted, and I thought that our present mode of action had this advantage among others, that we should be less likely to differ about words such as "local autonomy," which, as we all know, admitted of various meanings.

The Conference, if it met, could deal with the things to be done, not with the names by which they should be called. I reminded his

Excellency that we had been of one mind on this last point in a former conversation, and that he had agreed with me in the expediency of thus getting over the difficulty of inducing the Porte to accept a formula which appeared to be peculiarly objectionable at Constantinople.

It might, therefore, be said with truth that the discussion of the bases of peace lately proposed had been suspended, and that they had been abandoned to this extent, that it was no longer meant to press them in the same form as before for the Porte's acceptance; but the policy which they indicated was neither abandoned nor modified. The only difference was that it would now be laid before the Porte in a form less liable to create prejudice and misunderstanding.

Count Schouvaloff thanked me for these explanations, which he promised to place at once before his Government.

*Lord A. Loftus.*

DERBY.

*No. 781.—The Earl of Derby to Her Majesty's Embassies abroad.*

MY LORD,

SIR,

*Foreign Office, October 27, 1876.*

COUNT SCHOUVALOFF informed me yesterday that the only demand to be made of the Porte by General Ignatiew was for an armistice to last from six weeks to two months, the prolongation of which should depend on the necessities of the negotiations, and upon an understanding between the Great Powers and the Porte. The Porte was not, he said, required by Russia to pronounce an opinion beforehand upon the systems of autonomy to be granted to the disturbed provinces, as they would be defined at the Conference of the Six Powers.

I am, &c.,

DERBY.

*No. 784.—The Earl of Derby to Sir A. Paget.*

SIR,

*Foreign Office, October 27, 1876.*

THE Italian Ambassador has read to me a telegram from Signor Melegari, giving the substance of a conversation which his Excellency states that he has had with you, and in which you inquired what view the Italian Government took of the idea of a Conference from which the Representative of Turkey should be excluded.

Signor Melegari seems to have observed in reply that if the disagreement between the Porte and other Powers became so serious as to threaten the maintenance of friendly relations, Article VIII of the Treaty of Paris directed the Porte and those Powers, before resorting to force, to lay the case before the other signatories of the Treaty, with a view to mediation. He said he did not see how it

was possible to exclude Turkey from a Conference which should meet to consider the application of this Article of the Treaty.

Signor Melegari adds that he did not think it necessary to discuss the possible event of a Congress of the Great Powers meeting spontaneously to consider what should be done to relieve the countries under Turkish government from the precarious state in which they now were. The idea of such a Congress had been favourably entertained by Russia, but Signor Melegari did not enter further upon the subject, confining his remarks to the question of a Conference which should be summoned under the terms of the Treaty.

I am, &c.,

Sir A. Paget.

DERBY.

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*No. 799.—The Earl of Derby to Lord A. Loftus.*

MY LORD,

*Foreign Office, October 30, 1876.*

THE Russian Ambassador has communicated to me the substance of a telegram which he has received from Livadia, and which is to the following effect.

In order to avoid the difficulties arising about a Conference, the Emperor agrees to an arrangement which, without excluding the Turkish Representative, would admit of the Representatives of the Six other Powers coming to a preliminary understanding among themselves.

The telegram goes on to say that if the Plenipotentiaries of the Six Powers could meet preliminarily, and discuss and come to a conclusion on the bases of peace, the Conference could be opened afterwards in the presence and with the participation of the Turkish Plenipotentiary.

I am, &c.,

Lord A. Loftus.

DERBY.

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*No. 839.—The Earl of Derby to Lord A. Loftus.*

MY LORD,

*Foreign Office, November 3, 1876.*

IN reply to your telegram of the 2nd instant, I have to state to your Excellency that Her Majesty's Government have received with the greatest satisfaction the assurance which the Emperor has given to you of his anxious desire for an understanding and co-operation with England, and his solemn statement that he pledged his honour that he had no views on Constantinople nor of conquest.

You will speak in this sense both to His Imperial Majesty and Prince Gortchakow, and you will add that Her Majesty's Government will lose no time in communicating their views as to the proposed discussions and Conference.

I am, &c.,

Lord A. Loftus.

DERBY.



*No. 840.—The Earl of Derby to Lord A. Loftus.*

MY LORD,

*Foreign Office, November 3, 1876.*

I HAD some further conversation with the Russian Ambassador this afternoon on the subject of the communication he had made to me yesterday from his Government, urging that the Representatives of the Six Powers at Constantinople should be at once authorized to commence discussions on the basis of peace proposed by England.

I told Count Schouvaloff that I saw two reasons against giving such instructions.

It was no doubt true that time was of importance, but we must also remember that the matters to be discussed involved very difficult and complicated questions which could not be settled in haste. It would be good economy to incur some delay, if we could thereby ensure a thorough examination of all the points at issue, with the prospect of arriving at a solid and permanent arrangement.

It seemed to me in the first place that the leading part in such a discussion as Prince Gortchakow proposed would be better entrusted to other persons than those who had conducted the negotiations at Constantinople of the last twelve months. During the course of those negotiations some at least, if not most, of the Representatives at Constantinople had probably become more or less committed to personal views, which would tend to embarrass them and to weaken their position in bringing forward any fresh propositions which the present circumstances might render advisable. A fresh negotiator would be more free to advocate or discuss such propositions, while the permanent Representatives at Constantinople, supposing the deliberations to take place there, would be able to assist with their advice and experience.

In the second place, I said, the British Government had always contemplated, in the event of a Conference taking place, that England at least should be represented in it by a special Plenipotentiary. Now that a Conference seemed almost inevitable, there would be something of absurdity in sending out Plenipotentiaries to take part in it, who would find the principal points already more or less settled by preliminary discussions.

The conversation then turned on the question of the manner in which a Conference should be brought about, and I told his Excellency that as there seemed to be some hesitation on the part of other Powers, Her Majesty's Government were prepared to take the initiative in proposing that such a meeting should take place.

I am, &amp;c.,

*Lord A. Loftus.*

DERBY.

No. 845.—*Sir H. Elliot to the Earl of Derby.*—(Recd. November 4.)

MY LORD,

*Therapia, October 20, 1876.*

I HAVE had some conversation with General Ignatiev in reference to a Conference, and asked him what he knew of the place where it would be held, of the manner in which it would be constituted, and of the duties that would be assigned to it.

He said that your Lordship had proposed that it should be held at Constantinople, but that his own Government would prefer it being elsewhere; and he himself strongly shared the same opinion.

I said that I was not aware of your Lordship having brought forward Constantinople as the best place at which a Conference could be held, and I believed, on the contrary, that you had said you reserved your opinion upon the point.

There are, indeed, many objections to it, although some of those which I see may not be precisely such as General Ignatiev would view in the same light.

If a Conference is to end by decisions which are to be imposed upon the Porte, sufficient violence will be done to the feelings of the Turks as an independent nation without the additional humiliation of being concerted by foreign Representatives in their own capital.

General Ignatiev alluded to the proposed exclusion of a Turkish Representative from the Conference, and spoke of the possibility of overcoming the difficulties that he recognized in the adoption of a course so wholly contrary to international usage, by having a preliminary Conference between the Representatives; and when their projects were sufficiently matured, to have a full Conference; at which a Turkish Plenipotentiary should attend, rather, apparently; to be made acquainted with decisions that had been arrived at than to discuss measures of vital importance to the Empire.

I said that before a Conference was convoked I could understand there being meetings of the foreign Representatives such as we now frequently hold, at which a common course of action might be combined, but that to dignify such meetings by giving them the character of a Conference would be to introduce a new practice of proceeding that would be open to many objections.

The General answered that it would be necessary to have something more formal than such meetings as I had alluded to.

With regard to the duties of the Conference, he said that its object would be to define the administrative autonomy, to concert the measures for giving it effect, and to determine upon the guarantees for ensuring to the Christians their full execution, probably by means of some kind of international control.

The whole of this proposal appears open to the gravest possible objections. If it is thought necessary to define more closely

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than has already been done by your Lordship what is meant by the expression "administrative autonomy," it would be for the Cabinets to do so rather than for their Representatives here, and an attempt to go further, by concerting the measures by which the principles adopted are to be practically carried out in the administration of Turkish provinces, would be little likely to prove successful.

Against the proposal to obtain a guarantee for the execution of those measures by an International Commission or any other direct foreign control, there are many and as appears to me, insuperable arguments to oppose.

The weakness of the Government, and the inability of their agents to withstand the influence of persons of local importance, are the cause of much of the maladministration of the provinces, and of the grievances of which the different classes have to complain, and the establishment of a foreign control in any shape, by creating an *imperium in imperio*, would be especially calculated to increase this evil to an extent which must render provincial government nearly impossible.

The Porte would be little likely to submit to a foreign control unless it were to be imposed by the threat of material pressure, and it is far from certain that the mere threat would be sufficient to extort its consent to a measure that will be regarded as fatally undermining its authority.

Although it is in the lot of the Christians that the Powers especially interest themselves, it is the whole administration that requires reform, and harmony between the two races will not be promoted by placing one of them under foreign guardianship, while the other has to rely upon the Turkish officials.

It may, however, be practicable to obtain the guarantee that is required for the execution of the promised reforms in a form less open to objection.

There is reason to believe the new Sovereign to be sincere in his wish to inaugurate a new state of things, and his sincerity might be tested without putting the administration of his Empire under foreign control.

When the Powers bound themselves by Article IX of the Treaty of Paris not to interfere individually or collectively between the Sultan and his subjects, or in the internal administration of the country, they took the engagement on the faith of promises which have notoriously not been fulfilled by the other contracting party.

We seem therefore to have an undoubted right formally to intimate to the Porte that we shall not hold ourselves bound to abstain from interference till the reforms promised by the Hatt Hounmayoun are fully carried out.

Little beyond the *bond fide* execution of that proclamation is required, and upon it we can fairly insist; but I am convinced that if we attempt ourselves to propose the measures by which it is to be effected, or directly to superintend the application of them, we shall enter upon a course which can only lead to disappointment to those who desire the real progress of the Empire.

Russia having formerly pretended to a right of protection over certain subjects of the Sultan, one of the principal benefits obtained by the Treaty of Paris was the adoption of the principle that they were no longer to look for foreign support or interference in their behalf, and I cannot believe it to be politic or desirable that this principle should be abandoned.

It might, as I have said, be partially suspended—if possible for a term fixed beforehand—to give time for the Porte to put into practical execution the measures which have been promised for securing equality to all races; but if the principle of European interference is once admitted, there can be no doubt which of the Powers will be able to turn it to its own account, nor of the trouble into which it will ultimately lead us.

I have, &c.,

*The Earl of Derby.*

HENRY ELLIOT.

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*No. 866.—Lord Lyons to the Earl of Derby.—(Rec. November 4.)*

MY LORD,

*Paris, November 3, 1876.*

THE Duc Decazes told me this morning that he was informed that on the acceptance by the Porte of the Russian ultimatum respecting the armistice, General Ignatiev had urged his colleagues at Constantinople to enter at once upon the discussion of the further arrangements to be made for the settlement of the Eastern Question; in short, that the General was pressing them to begin the Conference immediately.

The Duke said that he was not prepared to act in so precipitate a manner, and that there appeared to him to be several preliminary points upon which it would be advisable that the Powers should come to an understanding.

He was, he went on to say, particularly desirous of acting in concert with Her Majesty's Government, and he begged me to ask your Lordship to communicate to him as soon as possible your views on the following points:—

1. Where should the Conference meet?
2. When should it meet?
3. Of what Powers should it be composed?
4. What should be the class and number of Plenipotentiaries?

For instance, if the Conference were held at Constantinople, should each Government appoint a Special Plenipotentiary in addition to its resident Ambassador?

5. What should be the basis of the Conference ?

6. What instructions should be given to the Plenipotentiaries ?

I did not elicit from the Duc Decazes much information as to his own views on these several points.

He seemed to think that, as a general rule, the appointment of two Plenipotentiaries for a single Power was inconvenient. It was, he conceived, necessary that one of the two should be absolutely the chief; and he observed that in fact the first Plenipotentiary would find his colleague an embarrassment rather than a help, unless he had the direct authority over him which a Minister for Foreign Affairs would possess over a diplomatic subordinate who might be formally associated with him. On this point, however, the Duke professed himself quite ready to do whatever might be agreeable to Her Majesty's Government.

With regard to the third point, that is to say, the question as to what Powers should be represented in the Conference, the Duc Decazes seemed to think that the course which would in all probability be followed would be to hold preliminary meetings of the Representatives of the Six Guaranteeing Powers, and subsequently a formal Conference, to which a Turkish Plenipotentiary should be admitted.

With respect to the time at which the Conference should be held, the Duke appeared to be of opinion that no unnecessary delay should take place, but that the other Powers should not be hurried by Russia into acting without having agreed upon proper preliminary arrangements.

The Duke told me that, partly in order to show that he was not prepared to act without consideration, he had yesterday sent to the Comte de Bourgoing, the French Ambassador at Constantinople, orders to come immediately to Paris to receive instructions in person.

The Duke added, however, that if he should receive by to-morrow morning intelligence as to the views of Her Majesty's Government which should make it appear that the departure of the French Ambassador might produce inconvenience, he should still be in time to cancel the order of yesterday and direct M. de Bourgoing to stay at Constantinople.

The Duke concluded by begging me to lose no time in conveying to your Lordship his earnest desire to be made acquainted as soon as possible with the opinions of Her Majesty's Government on the several points he had specified. I sent accordingly a telegram to your Lordship directly I got home.

I have, &c.,

*The Earl of Derby.*

LYONS.

*No. 873.—Circular addressed to Her Majesty's Representatives at Paris, Berlin, Vienna, St. Petersburg, Rome, and Constantinople.*

MY LORD,

SIR,

*Foreign Office, November 4, 1876.*

HER Majesty's Government believe, from the communications which they have received from the Powers, that there is a general feeling that the only solution of the questions arising out of recent events in Turkey is to be found in a Conference, but that there is some hesitation felt in formally proposing it.

Under these circumstances, and with the view of bringing about a satisfactory settlement of those questions, Her Majesty's Government have determined to renew the suggestion made by them on the 5th ultimo, and to take the initiative in proposing that a Conference should be held forthwith at Constantinople, in which all the Guaranteeing Powers and the Porte should take part, and each Government should be at liberty to appoint two Plenipotentiaries to represent it.

Her Majesty's Government further submit as the basis for the deliberations of the Conference:—

1. The independence and the territorial integrity of the Ottoman Empire.

2. A declaration that the Powers do not intend to seek for, and will not seek for, any territorial advantages, any exclusive influence, or any concession with regard to the commerce of their subjects which those of every other nation may not equally obtain.

This declaration was made on September 17th, 1840,\* in the Protocol for the pacification of the Levant, and again, August 3rd, 1860,† in regard to the pacification of Syria.

3. The bases of pacification proposed to the Porte on the 21st of September, viz. :—

(a.) The *status quo*, speaking roughly, both as regards Servia and Montenegro.

(b.) That the Porte should simultaneously undertake, in a Protocol to be signed at Constantinople with the Representatives of the mediating Powers, to grant to Bosnia and Herzegovina a system of local or administrative autonomy, by which is to be understood a system of local institutions which shall give the population some control over their own local affairs and guarantees against the exercise of arbitrary authority.

There is to be no question of the creation of a tributary State.

Guarantees of a similar kind to be also provided against mal-administration in Bulgaria. The reforms already agreed to by the Porte in the note addressed to the Representatives of the Powers on the 13th of February last, to be included in the administrative

arrangements for Bosnia and the Herzegovina, and, so far as they may be applicable, for Bulgaria.

Her Majesty's Government desire that your Excellency should propose to the Government to which you are accredited a Conference on these bases, and you may state that if this proposal meets with general acceptance, Her Majesty's Government will lose no time in appointing a Special Ambassador to proceed to Constantinople to take part in the Conference.

If the other Powers thought it advisable, Her Majesty's Government would not object to their Plenipotentiaries joining in preliminary discussions with the Plenipotentiaries of the other five Guaranteeing Powers before the opening of the Conference. These discussions to be on the same bases as those proposed for the Conference.

I am, &c.,

DERBY.

*No. 874.—The Earl of Derby to Sir H. Elliot.*

SIR,

*Foreign Office, November 4, 1876.*

IN my preceding despatch of this day's date I have informed you of the proposals of Her Majesty's Government for the assembling of a Conference, and I have now to state to your Excellency that Her Majesty's Government have considered that it would be useful that a Special Ambassador should be sent to the Conference, and that it is their wish that you should act with him.

Her Majesty's Government are anxious that you should understand that there is nothing in this appointment which in any way affects their confidence in you as Her Majesty's Representative; and I should add that the Special Ambassador will be merely appointed *ad hoc* to attend the Conference with you, and will not interfere in any respect with the ordinary business of your Embassy.

I am, &c.,

*Sir H. Elliot.*

DERBY.

*No. 877.—The Earl of Derby to Lord A. Loftus.*

MY LORD,

*Foreign Office, November 5, 1876.*

I HAVE received your Excellency's telegram of the 8rd instant, reporting that in a conversation with Prince Gortchakow his Highness, stated to you that if, in the Conference to be held, Russia should be in a minority on the question of autonomy, General Ignatiew would place on record the proposals of Russia and then withdraw.

I have mentioned this language to Count Schouvaloff, and I expressed at the same time a hope that it does not represent the serious intention of the Russian Government.

It appears to Her Majesty's Government that if each Govern-

ment is to go into the Conference with a settled plan, which it declines to modify, no agreement can possibly be come to, and the Conference is useless.

I have to request that you will take an opportunity of speaking to Prince Gortchakow in this sense.

I am, &c.,

Lord A. Loftus.

DERBY.

No. 878.—*Sir A. Buchanan to the Earl of Derby.*—(Rec. November 5, at night.)

(Telegraphic.)

Vienna, November 5, 1876, 2:45 P.M.

HAVING been requested by Count Andrassy to call on him this morning, I took with me your Lordship's telegram of yesterday relative to the composition of a Conference to be held at Constantinople, and the basis for its deliberations.

He had already received a telegram on the subject from Count Beust, and said that he did not feel satisfied with the explanation it contained as to the question of the autonomy of the Turkish Provinces, and before he agreed to take part in the Conference he wished to know whether Her Majesty's Government are prepared to maintain the understanding formerly come to between the two Governments as to the signification of the term "administrative autonomy," and that they will resist any attempt to give it a wider interpretation.

He said that the question was a vital one, as any system which would lead to the "disintegration" of the Turkish Empire would be more fatal to it than the entire loss of a portion of its territory. He said that the question being too important for him to form an opinion upon it without mature deliberation, he begged that I would communicate to him in writing the proposal which I had been instructed to make to him, and I promised to do so in the course of the day.

He also asked whether it was essential that the Second Plenipotentiaries should have the rank of Ambassador, and he further stated that he considered the Plenipotentiaries should not act under general instructions alone, but submit the various points which might be discussed to their respective Governments for their final orders respecting them. In his own case, as responsible to Parliament, he said that he could not give any one authority to act for him by merely general instructions.

No. 883.—*Sir A. Paget to the Earl of Derby.*—(Rec. November 6.)

MY LORD,

Rome, November 8, 1876.

I HAD the honour to receive this morning your Lordship's despatch of the 27th of October, relative to a telegram from Signor Melegari to the Italian Ambassador in London, giving the sub-



stance of a conversation between Signor Melegari and me on the question of the exclusion of a Turkish Representative from a Conference.

I was certainly under the impression that I had correctly represented Signor Melegari's views on this subject when I reported in my despatch of the 25th ultimo that his Excellency would consider that the exclusion of a Turkish Representative from any Conference which might be assembled to discuss the affairs of the provinces and the conditions of peace with the Principalities would be an act of injustice, and contrary to the spirit of the Treaty of Paris; but I now find, by a conversation I have just had with his Excellency, that I was mistaken in attaching so general a sense to Signor Melegari's objection to the exclusion of a Turkish Representative, and that his Excellency, "although of opinion that it would be desirable that a Representative of Turkey should not be excluded from a Conference assembled to discuss the interests of that country, considers, nevertheless, that it is only in the event of a Conference being convoked in virtue of Article VIII of the Treaty of Paris that it would not be possible to exclude a Representative of Turkey."

The words between inverted commas I wrote down at his Excellency's table, and having read them over to him, he said they were correct.

In speaking of the negotiations for peace, his Excellency gave me to understand that he would be ready to urge both Russia and the Porte to act in a spirit of conciliation, and he attached great importance to the influence which Her Majesty's Government might exercise over both Powers in this sense.

I have, &c.,

*The Earl of Derby.*

A. PAGET,

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*No. 884.—Lord A. Loftus to the Earl of Derby.—(Received November 6, 1.12 A.M.)*

(Telegraphic.)

*Yalta, November 5, 1876, 11 P.M.*

EMPEROR expressed gratification at the appreciation of his assurances by Her Majesty's Government.

I communicated to the Emperor and Prince Gortchakow your Lordship's proposal as regards Conference. Emperor expressed to me wish that in Article No. 1 word "territorial" should be omitted. This would enable Porte to make any territorial concession to Montenegro which it might hereafter deem desirable.\*

Emperor regretted departure from Constantinople of French Ambassador; his absence causing delay of 15 days in meeting of Conference.

\* See Lord A. Loftus' despatch of November 5, 1876. Page 322.

I shall see Prince Gortchakow to-morrow, and telegraph his Highness's answer to your Lordship's proposals.

*No. 885.—Sir A. Paget to the Earl of Derby.—(Rec. November 6.)*  
(Telegraphic.) *Rome, November 6, 1876, 5:30 P.M.*

THE Italian Government accepts in principle the proposal of Her Majesty's Government for a Conference at Constantinople.

*No. 889.—The Earl of Derby to Sir A. Buchanan.*

SIR, *Foreign Office, November 6, 1876.*

It is reported in your Excellency's telegram of yesterday that Count Andrassy had stated to you that, before he agreed to take part in the proposed Conference, he wished to know whether Her Majesty's Government are prepared to maintain the understanding between the two Governments as to the signification of the term "administrative autonomy," and would resist any attempt to give it a wider interpretation.

I should wish you to point out to Count Andrassy that the answer to the question of the maintenance by Her Majesty's Government of their interpretation of the term "local or administrative autonomy" is to be found in the bases submitted to him. The third basis which Her Majesty's Government propose, is, "the terms of pacification proposed by Sir Henry Elliot to the Porte, in my instruction of September 21st," and that instruction clearly defined the meaning attached by Her Majesty's Government to the phrase. The bases for the deliberations of the Conference, as they comprise the bases of the terms of pacification, comprise also this definition.

Count Andrassy further stated to your Excellency that he considered that the Plenipotentiaries sent to the Conference should not act under general instructions alone, but should submit to their respective Governments the various points which might be discussed. You may inform Count Andrassy that Her Majesty's Government concur in this view, as it has never been their practice to give general instructions empowering Plenipotentiaries to agree to important matters without reference home, and they would not authorize the adoption of any final agreement without their being consulted.

I am, &c.,

*Sir A. Buchanan,*

DERBY.

*No. 890.—Lord Lyons to the Earl of Derby.—(Rec. November 7.)*  
MY LORD, *Paris, November 6, 1876.*

YESTERDAY morning I communicated verbally to the Duc Decazes the proposals respecting a Conference at Constantinople contained in your Lordship's telegram of the evening before.

Early this morning I sent the Duke a written memorandum of the contents of the telegram, and soon afterwards I went to see him.

He authorized me to tell your Lordship that, for his own part, he should be quite willing to adopt the arrangements proposed by Her Majesty's Government, but that he could not feel certain that they would be readily adopted by other Powers. He must, therefore, he said, beg me to entreat your Lordship in his name to be willing to accept a compromise, if objections to your present proposals should be raised by other Governments.

He added that he was particularly anxious on the subject, because the proposed Conference appeared to afford the last hope of preserving peace, and it was therefore of the utmost importance that no preliminary differences of opinion should interfere with its being assembled.

I have already had the honour to transmit the substance of this despatch to your Lordship by telegraph.

I inclose a copy of the memorandum which I sent to the Duc Decazes this morning.

*The Earl of Derby.*

I have, &c.,

LYONS.

*(Inclosure.)—Memorandum communicated to French Government.*

A CONFERENCE to be held forthwith at Constantinople, in which all the Guaranteeing Powers and the Porte shall take part, and in which each Government may have two Representatives.

The following bases for the deliberations of the Conference are suggested by Her Majesty's Government:—

(A.) The independence and territorial integrity of the Ottoman Empire.

(B.) A declaration that the Powers do not seek for territorial advantages, exclusive influence or commercial concessions, such as was made in the Protocols of the 17th September, 1840,\* and 3rd August, 1860.†

(C.) The terms of pacification proposed to the Porte by the British Ambassador in September.

If the proposal now made be agreed to by the Powers, Her Majesty's Government will at once appoint a special Ambassador to proceed to Constantinople to take part in the Conference.

If it should be desired by the other Powers, Her Majesty's Government would not object to their two Plenipotentiaries joining in preliminary discussions with Plenipotentiaries of the other five Powers before the opening of the Conference. These preliminary discussions to be on the same bases as are proposed for the Conference.

\* Vol. XXVIII. Page 348.

† Vol. L. Page 8.

*No. 891.—Lord A. Loftus to the Earl of Derby.—(Rec. Nov. 7.)*

(Telegraphic.)

*Yalta, November 6, 1876, 8 P.M.*

I saw Prince Gortchakow this morning. He agrees to your Lordship's proposals and bases for Conference, with the omission of the word "territorial" preceding "integrity of Ottoman Empire."

His Highness observed that he could not accept that term, as it would exclude possibility of an occupation, which he considers will be still necessary as a guarantee for the security of Christian population and for execution of reforms. This occupation should bear European character, as in the case of Syria, mentioned in the Protocol referred to by your Lordship in 1860, and it might be entrusted to Russia and Austria, acting in the name of Europe. Prince Gortchakow also stated that excesses were still being perpetrated in Bulgaria, and that if they continue, material force would be necessary to maintain order, but he distinctly stated that Russia would not take an inch of territory.

*No. 892.—The Earl of Derby to Lord A. Loftus.*

MY LORD,

*Foreign Office, November 7, 1876.*

THE Russian Ambassador communicated to me yesterday two telegrams which he had received from his Government.

The first telegram states that the Russian Government accept the English proposal for a Conference, but they presume that the presence of the second Plenipotentiary at the preliminary discussions is to be optional, and left to the discretion of each of the Powers.

In the second telegram it is said that Russia wishes for the assembling of a Conference, and looks upon it as the most likely means of ensuring, through an understanding amongst all the Powers, the conclusion of peace, and security for the welfare of the Christian population.

Prince Gortchakow, in his recent remarks to your Excellency, did not mean to dispute the right of free discussion amongst the Plenipotentiaries, or to place obstacles in the way of the meeting of a Conference.

His Highness only repeated the same language, which the Russian Government has not ceased to hold since the month of June last.

Russia seeks the prosperity of the inhabitants of Bosnia, the Herzegovina, and Bulgaria by means of institutions of local and administrative autonomy, which she would wish to see rendered real and efficacious.

I am, &c.,

*Lord A. Loftus.*

DERBY.

*No. 901.—Sir A. Paget to the Earl of Derby.—(Received  
November 8, 4.30 P.M.)*

(Telegraphic.)

*Rome, November 8, 1876, noon.*

THE answer of the Italian Minister for Foreign Affairs is a full acceptance of the Conference on the bases proposed by Her Majesty's Government. His Excellency states that although, in his opinion, the work of the Conference as well as that of the preliminary discussions would have been facilitated by another place of meeting being chosen, and that he considers the sending a Special Plenipotentiary to Constantinople as optional to each Government, still, not wishing by raising objections to retard the work of pacification, he does not hesitate to declare that Italy will be represented in the Conference, "in which all the other-Guaranteeing Powers shall have agreed to take part."

*No. 903.—The Earl of Derby to Sir H. Elliot.*

SIR,

*Foreign Office, November 8, 1876.*

I HAVE to state to your Excellency that the Queen has been pleased to appoint the Most Honourable the Marquis of Salisbury, Her Majesty's Secretary of State for India, to be Her Majesty's Special Ambassador to attend the proposed Conference jointly with yourself.

I have informed by telegraph the Governments of the Guaranteeing Powers of this having been done, and have to request your Excellency also to inform the Porte.

I am, &c.,

*Sir H. Elliot.*

DERBY.

*No. 905.—Sir H. Elliot to the Earl of Derby.—(Rec. November 9.)*

(Telegraphic.)

*Therapia, November 8, 1876.*

WITH reference to Prince Gortchakow's suggestion about the attendance of Second Plenipotentiaries at the preliminary discussions, I would submit that the moment when their presence may be most beneficial will be precisely when the measures to be adopted are being discussed.

The presence of a British Cabinet Minister would have weight with some of the Representatives.

*No. 909.—The Earl of Derby to Lord Lyons.*

MY LORD,

*Foreign Office, November 9, 1876.*

I HAVE received your Lordship's despatch of the 3rd instant, reporting the observations which the Duc Decazes had made to you the same morning on the subject of the proposed Conference for the settlement of the Eastern Question, and that his Excellency wished

to be informed of my views on certain points which are enumerated in your Lordship's despatch.

In reply, I have to observe to your Lordship that my despatch of the 4th instant states fully the views of Her Majesty's Government respecting the proposed Conference, and I have to request your Lordship to explain this to the French Government, and to thank them for communicating so promptly with Her Majesty's Government, and informing them of the proposal to summon the French Ambassador from Constantinople to Paris to receive instructions.

I have already informed your Excellency by telegraph, for communication to the French Government, that Her Majesty has been pleased to appoint the Marquis of Salisbury, Her Majesty's Principal Secretary of State for India, to attend the proposed Conference, as Special Ambassador, conjointly with Sir H. Elliot.

I am, &c.,

*Lord Lyons.*

DERBY,

*No. 911.—Lord Odo Russell to the Earl of Derby.—(Rec. Nov. 10.)*

MY LORD,

*Berlin, November 6, 1876.*

I COMMUNICATED the substance of your Lordship's telegram of the 4th instant, conveying the proposal of Her Majesty's Government for a Conference to be held forthwith at Constantinople, to the German Minister for Foreign Affairs, to be submitted to the Emperor and forwarded to Prince Bismarck at Varzin.

His Excellency said that there could be no objection on the part of the German Government to the appointment of a Second Plenipotentiary if necessary, and that meanwhile instructions would be sent to the German Ambassador at Constantinople to attend the proposed preliminary discussions.

I have, &c.,

*The Earl of Derby.*

ODO RUSSELL.

*No. 912.—Lord Lyons to the Earl of Derby.—(Rec. November 10.)*

MY LORD,

*Paris, November 8, 1876.*

I HAVE the honour to acknowledge the receipt of your Lordship's telegram *en clair*, dated 2.25 P.M. to-day, and to inform you that, in execution of the instruction contained in it, I have addressed to the French Minister for Foreign Affairs a note informing him that the Queen has been pleased to appoint the Marquis of Salisbury to be Her Majesty's Special Ambassador to attend the proposed Conference, jointly with Sir Henry Elliot.

I have, &c.,

*The Earl of Derby.*

LYONS.

No. 913.—*Safvet Pasha to Musurus Pasha.*—(Communicated to the Earl of Derby by Musurus Pasha, November 10.)

(Télégraphique.)

Constantinople, le 8 Novembre, 1876.

SON Excellence l'Ambassadeur d'Angleterre m'a communiqué le télégramme de son Excellence Lord Derby concernant la réunion à Constantinople d'une Conférence qui prendrait pour bases de ses délibérations :—

1. L'indépendance et l'intégrité de l'Empire.

2. La renonciation des Puissances médiatrices à tout avantage exclusif.

3. Les termes de pacification proposés dans son télégramme du 21 Septembre, et qui portent le retour au *statu quo ante* pour la Serbie et le Monténégro, et l'établissement d'une autonomie administrative et locale pour certaines autres parties de l'Empire.

Nous sommes on ne peut plus reconnaissants de la sollicitude de sa Seigneurie pour mettre un terme aux embarras de la situation actuelle ; nous apprécions la haute valeur des vues de son Excellence ; seulement nous nous demandons si, en adhérant à un pareil programme, le Gouvernement Impérial ne se trouvera pas immédiatement entraîné sur un terrain des plus désavantageux pour lui. Le Gouvernement Impérial, en ce moment, est en train de procéder à la mise en exécution et à l'application des nouvelles institutions. Il comprend les exigences de la situation et les signes des temps ; il a hâté de faire voir par les faits qu'il poursuit une œuvre de rénovation sérieuse et radicale. Est-ce le moment pour lui de s'engager dans une discussion concernant des autonomies locales ? Un pareil principe aurait pour conséquence inévitable de faire avorter les réformes en cours, de détruire par là le prestige de l'autorité, de créer des inégalités choquantes, de soulever dans la pratique des difficultés insurmontables, de garantir une prime aux mouvements insurrectionnels, de faire prendre à la crise un caractère permanent, de constituer en un mot un état de choses qui serait une menace perpétuelle pour la paix de l'Empire et de l'Europe. Indépendamment de ce qui pourrait être dit au sujet des autonomies, la Sublime Porte ne peut se dissimuler la grave atteinte qui serait portée au principe même de l'indépendance de l'Empire, si les affaires intérieures devenaient l'objet des délibérations d'une Conférence Internationale. Comment pourrait-elle se résigner à renverser de ses propres mains, en participant à une Conférence ayant pour objet de régler les affaires intérieures de l'Empire, la plus forte barrière que l'Empire puisse mettre aujourd'hui entre lui et ses adversaires ? Une fois l'œuvre du Traité de Paris mise de côté, on se trouverait à la merci des événements. Tandis qu'une attaque contre l'Empire constituerait aujourd'hui la violation d'un Traité solennel et un pur acte

d'aggression, cette attaque, dans le cas où la Conférence n'aboutirait pas, se présenterait comme le résultat inévitable des divergences survenues dans le courant de discussions dont la Sublime Porte aurait admis le principe. Soit donc que la Conférence proposée aboutisse, soit qu'elle n'aboutisse pas, le Gouvernement Impérial n'en sortirait pas moins amoindri dans son indépendance ou bien dans les moyens de défense que lui assurent aujourd'hui des engagements internationaux.

Son Excellence Lord Derby, en prenant connaissance des considérations qui précèdent, et qui résument la pensée intime du Gouvernement Impérial, saura discerner, nous n'en doutons pas, la vraie situation de la Sublime Porte.

Nous sommes prêts à faire tout ce qui dépendra de nous pour ramener un moment plus tôt l'ère de la paix et de la tranquillité. Mais la réunion d'une Conférence serait de trop grand inconvénient pour qu'il ne nous soit pas permis de désirer que le Cabinet Britannique veuille bien consentir à ce que l'entente désirée soit obtenue sans la réunion de Plénipotentiaires étrangers ayant pour mission d'engager une discussion sur l'administration intérieure de l'Empire.

Veuillez bien donner lecture à Lord Derby du présent télégramme.

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*No. 916.—The Earl of Derby to Sir H. Elliot.*

SIR,

*Foreign Office, November 10, 1876.*

YOUR telegram of the 8th instant has been received, and, in reply, I have to inform your Excellency that Her Majesty's Government cannot authorize any preliminary discussions before Lord Salisbury arrives at Constantinople, and until the bases of the Conference are settled.

I am, &c.,

*Sir H. Elliot.*

DERBY.

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*No. 917.—The Earl of Derby to Lord A. Loftus.*

MY LORD,

*Foreign Office, November 10, 1876.*

I HAVE to acquaint your Excellency that I have received a communication from the Russian Embassy informing me that Prince Gortchakow has notified to his Excellency Count Schouvaloff by telegraph that the Imperial Government accepts as it stands ("tel quel") the programme which Her Majesty's Government have proposed for the meeting of the Conference.

I am, &c.,

*Lord A. Loftus.*

DERBY.

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*No. 919.—Sir A. Buchanan to the Earl of Derby.—(Rec. Nov. 10, at night.)*

(Telegraphic.)

*Vienna, November 10, 1876.*

BARON leaving Vienna last Sunday, Count Andrássy instructed



Count Beust to inform your Lordship that he accepted the Conference in principle.

He has seen the Emperor, and I shall probably be able to learn to-morrow whether any decision was taken about the arrangements for the Conference.

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*No. 921.—Mr. Doria to the Earl of Derby.—(Received Nov. 11, 12.28 P.M.)*

(Telegraphic.) *St. Petersburg, November 11, 1876, 12.30 P.M.*

RUSSIAN papers report following speech of Emperor last night at Moscow :—

“During my whole reign I have endeavoured to obtain for the Christians in the East what right and justice demand. Unfortunately my pacific efforts have not obtained desired result. A Conference is now about to assemble at Constantinople, in which Russia will present her demands. If her endeavours are not crowned with success, Russia will be forced to take up arms, and I count on support of my people.”

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*No. 924.—The Earl of Derby to Musurus Pasha.*

M. L'AMBASSADEUR, *Foreign Office, November 11, 1876.*

HER Majesty's Government have had under their consideration the telegraphic despatch from the Ottoman Minister for Foreign Affairs which your Excellency was so good as to communicate to me yesterday afternoon.

Her Majesty's Government understand from that despatch and from the explanations with which your Excellency accompanied its communication, that the Porte's objections to a Conference are as follows :—

That the expression “local autonomy” used in the proposed basis for a Conference is not employed in any Treaty, is unknown to diplomacy, is vague and elastic in meaning, and may be construed as implying the concession to the provinces to which it is applied of a position of quasi-independence like that enjoyed by Serbia and Roumania ;

That it would be very impolitic to give special advantages to Bosnia, the Herzegovina, and Bulgaria, inasmuch as a distinction made in favour of those provinces would afford good ground of complaint from the other provinces of the Empire which have remained loyal, and would be, in fact, a premium on insurrection ;

That new institutions and reforms for the whole Empire having been proclaimed by the Sultan, it would be inexpedient to interfere with their operation by the discussion of fresh measures of administration for these particular provinces ;

And, lastly, that it is contrary to Treaty obligations and to

international usage for the Powers to assemble in Conference to discuss the internal administration of the Turkish Empire.

I have now the honour to state to your Excellency the observations which occur to Her Majesty's Government in regard to the several objections taken by the Porte to the proposal for a Conference which Her Majesty's Government have submitted to the Porte and the Powers.

Her Majesty's Government understand and appreciate the feelings with which the Porte may regard that proposal, but I must remind your Excellency that under the circumstances of the situation there was no alternative open. The conditions of peace which Her Majesty's Government had agreed upon with the other Governments and recommended for the acceptance of the Porte, not having been accepted by the Turkish Government, the Russian Government proposed the occupation of Bosnia by an Austrian and of Bulgaria by a Russian force, and the entry of the allied fleets into the Bosphorus. Her Majesty's Government intimated that they were unable to concur in these measures, and it became evident that, unless some suggestion were made which would meet with general concurrence, serious complications might ensue. Her Majesty's Government then reverted to the proposal for an armistice which they had made some time previously, to be followed by a Conference, as the only means remaining which afforded a prospect of arriving at a general agreement.

Her Majesty's Government feel confident that the Porte must be sensible of the necessity of such an agreement being attained, and of the hopelessness of expecting that, without concert with the Powers, a satisfactory settlement of existing differences can be brought about.

Her Majesty's Government cannot admit that, in the basis for a Conference which they have advanced, there is anything contrary to the Treaty obligations subsisting between the Powers and the Porte, or that the Powers are precluded by Treaty from assembling in Conference to discuss the pacification of the Turkish Provinces and the measures of administrative reform best adapted for that purpose. I need scarcely remind your Excellency that Conferences were held for a similar object in 1860 and 1867. Moreover, communications have been proceeding among the Powers for the last two years, and the Porte both itself accepted, and urged on the acceptance of Her Majesty's Government, the note of Count Andrassy.\* There can, therefore, in the opinion of Her Majesty's Government, be no question that the Powers have the right to discuss matters relating to the internal administration of the Ottoman Empire under circum-

\* December 30, 1875. Vol. LXVI. Page 921.

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stances like those which have occasioned the present proposal for a Conference.

I have also the honour to point out to your Excellency that both in the telegraphic despatch which your Excellency has communicated to me, and in your Excellency's own observations, the definition given to the expression "autonomy" has been overlooked. Her Majesty's Government have expressly guarded themselves against any proposal for the grant of institutions to these provinces similar to those of Roumania and Servia.

In the basis for a Conference it is distinctly stated that by "local or administrative autonomy" is "to be understood a system of local institutions which shall give the population some control over their own local affairs and guarantees against the exercise of arbitrary authority. There is to be no question of the creation of a tributary State."

Her Majesty's Government are disposed to agree with the Porte that administrative reforms which may be desirable for one part of the Empire can scarcely be withheld from the rest of it; but they cannot regard this as a reason for not entering upon a Conference to determine what reforms are now required to ensure the pacification of the disturbed provinces.

If the Conference succeeds in agreeing upon a scheme of administration which may have that effect and be otherwise advantageous, it would of course be open to the Porte, and would seem desirable, to extend it, as far as might be applicable, to other provinces; but the immediate necessity which has to be met is to restore order and tranquillity in Bosnia and Herzegovina, repair and redress the injuries to which the population of Bulgaria have been subjected, and punish the perpetrators. The Imperial Hatt proclaiming the new reforms for the Empire will doubtless receive the amplest consideration from the Plenipotentiaries of the Powers when assembled at Constantinople; and due weight will, no doubt, be given to the manifest utility of adapting any new schemes of administration to the existing institutions of the country, so far as they may be efficient: but Her Majesty's Government regret that they cannot accept the Proclamation of these reforms as in itself sufficient, nor, were they disposed to do so, would there be any probability of the other Powers assenting to such a course.

Since, therefore, concert among the Powers is imperative, and the only means left of arriving at it is by a Conference, Her Majesty's Government trust that the Porte will no longer hesitate to join the other Powers in a prompt acceptance of the Conference on the basis which Her Majesty's Government have proposed.

I have, &c.,

*Musurus Pasha.*

DERBY.

*No. 930.—Mr. Doria to the Earl of Derby.—(Rec. November 12.)*  
(Telegraphic.) *St. Petersburg, November 12, 1876, 12-20 P.M.*

FOLLOWING speech of the Emperor at Moscow appeared in this morning's official paper:—

“Je vous remercie, Messieurs, des sentiments que vous avez voulu m'exprimer dans les circonstances politiques actuelles. La situation est aujourd'hui plus claire et je suis prêt maintenant à accepter votre adresse avec satisfaction. Vous savez que la Turquie a consenti à la conclusion immédiate d'un armistice que j'ai exigé pour mettre fin à une effusion de sang inutile en Serbie et au Monténégro. Dans cette lutte inégale, les Monténégrins se sont montrés comme toujours de véritables héros; malheureusement on ne peut accorder les mêmes éloges aux Serbes, malgré la présence dans leurs rangs de nos volontaires, dont beaucoup ont versé leur sang pour la cause Slave. Je sais que la Russie entière avec moi prend la part la plus vive aux souffrances de nos frères de religion et de race; mais pour moi les véritables intérêts de la Russie sont les plus chers de tous, et je désirerais éviter jusqu'à la dernière extrémité l'effusion du précieux sang Russe. Voilà pourquoi je poursuis mes efforts pour atteindre par des moyens pacifiques une amélioration effective du sort de toutes les populations Chrétiennes de la Péninsule des Balkans. Des Conférences doivent s'ouvrir ces jours-ci à Constantinople entre les Représentants des Six Grandes Puissances pour la détermination des conditions de la paix. Je désire beaucoup que nous puissions arriver à une entente générale, mais si cet accord n'a pas lieu, et si je vois que nous n'obtenons pas des garanties réelles de l'exécution de ce que nous sommes en droit d'exiger de la Porte, j'ai la ferme intention d'agir seul, et je suis certain que dans ce cas la Russie entière répondra à mon appel, lorsque je le jugerai nécessaire et que l'honneur du pays l'exigera. Je suis convaincu également que comme toujours Moscow donnera alors l'exemple. Que Dieu nous aide à remplir notre sainte mission!”

*No. 933.—Mr. Doria to the Earl of Derby.—(Rec. November 13.)*  
(Extract.) *St. Petersburg, November 7, 1876.*

THE conclusion of the armistice between the Porte and Servia has not caused the Russian Government to relax the preparations which are being actively carried on for war.

100,000*l.* sterling were paid last week by the Russian Government in part-payment for the 8,000 tons of lead which I mentioned in a telegram to your Lordship of the 1st instant as just purchased by the Government. It is to be brought into the country through the port of Revel.

800,000 pairs of boots for the army have been ordered.

But if such proofs were wanting to show that Russia has determined to make war against Turkey, the hostile tone of the press, the disappointment felt by a large section of society at the conclusion of the armistice, and the desire for war evinced by a great portion of the army, give grounds for this belief, unless Russia succeeds in obtaining at the proposed Conference the fulfilment of her own views with regard to the future of the revolted provinces of Turkey.

The more prudent and less enthusiastic among the well-educated class view the warlike tendency with great distrust, persuaded, as they are, that a war must be most disastrous to Russia, knowing the state of her finances and how really unprepared and unfit the country is to commence a conflict.

I am informed that the Government contemplates carrying into execution forced payments in gold of the revenue levied by the Excise, which would amount to about 7,000,000*l.* sterling per annum, and the Custom-house will be authorized to accept in payment of duties the coupons of the foreign loans; these measures, it is expected, will be put in force in January next.

Another scheme for procuring funds is a fresh issue of paper roubles. Should this plan be carried out it is believed that it will occasion a great number of false notes to be introduced into the circulation, which would give rise to the most indescribable chaos in mercantile transactions. The notes are said to be easily counterfeited, and the Treasury officers themselves could hardly distinguish between the legal and false notes.

Nevertheless, although active preparations are in progress for a campaign, it is not believed that Russia will take the field before spring.

The officers charged to report especially on the means of leading troops from Kischenew into the Turkish or Danubian provinces stated that, at this season, such an attempt would cost the lives of half the troops engaged.

*The Earl of Derby.*

W. DORIA.

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No. 934.—*Sir A. Paget to the Earl of Derby.*—(Rec. November 13.)

MY LORD,

Rome, November 7, 1876.

ON the receipt the day before yesterday of your Lordship's telegram of the 4th instant, I immediately addressed a note to the Italian Minister for Foreign Affairs, of which I have the honour to inclose a copy, embodying the proposal of Her Majesty's Government for a Conference to be held at Constantinople, and I yesterday afternoon waited upon Signor Melegari in order to ascertain his Excellency's views upon this subject.

After some conversation, in the course of which his Excellency said that he entirely approved the bases upon which Her Majesty's Government proposed that the discussions should be conducted, but that he should have preferred any other city to Constantinople as the place of meeting of the Conference, and that he felt some doubts as to sending a Special Plenipotentiary to attend it, his Excellency authorized me to telegraph to your Lordship that the Italian Government accepts in principle the proposal of Her Majesty's Government to hold a Conference at Constantinople, promising to send to me to-day an official answer in writing to the note in which I had made to him the communication.

I asked his Excellency if he would wish me to mention in the telegram what he had stated in regard to preferring some other place for meeting of the Conference, and his hesitation as to sending a Special Plenipotentiary; but he said that it would be sufficient if I stated his agreement in principle to the proposed Conference, for that perhaps he should not allude to the topics just mentioned in his official note. It would depend upon the opinion of the Cabinet, to whom, of course, he must submit the proposal of Her Majesty's Government before replying to it formally in writing.

I have, &c.,

*The Earl of Derby.*

A. PAGET.

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(*Inclosure.*)—*Sir A. Paget to Signor Melegari.*

M. LE MINISTRE,

*Rome, November 5, 1876.*

I HAVE the honour to inform your Excellency that Her Majesty's Government have determined to take the initiative of proposing that a Conference should forthwith be held at Constantinople, in which all the Guaranteeing Powers and the Porte shall take part.

Her Majesty's Government would suggest that each Government should have two Representatives, and in making this communication to His Italian Majesty's Government I have been instructed to propose, on the part of Her Majesty's Government, that the following bases should be adopted for the deliberations of the Conference:

1. The independence and territorial integrity of the Ottoman Empire.

2. A declaration that the Powers do not seek for territorial advantages, exclusive influence, or commercial concessions, as recorded in the Protocol signed in London on the 17th September, 1840, between the Plenipotentiaries of Great Britain, Austria, Prussia, Russia, and Turkey, and in the Protocol signed in Paris on the 3rd August, 1860, between the Plenipotentiaries of Great Britain, Austria, France, Prussia, Russia, and Turkey.

3. The terms of pacification proposed by Sir H. Elliot to the

Porte, as made known to your Excellency by Mr. Malet in a memorandum on the 23rd September.

I am instructed to add that should the Powers agree to this proposal, Her Majesty's Government will at once appoint a Special Ambassador to proceed to Constantinople to take part in the Conference, and, if so desired by the other Powers, Her Majesty's Government would not object to their two Plenipotentiaries joining in preliminary discussions with the Plenipotentiaries of the other five Powers, before the opening of the Conference; on the understanding, of course, that these discussions will be on the same bases as those proposed for the Conference.

In requesting your Excellency to have the goodness to inform me as soon as possible if the Government of His Italian Majesty accepts the proposal now made to them by Her Majesty's Government, I avail, &c.,

*Signor Melegari.*

A. PAGET.

*No. 935.—Sir A. Paget to the Earl of Derby.—(Rec. November 13.)*

MY LORD,

*Rome, November 8, 1876.*

WITH reference to my despatch of the 7th instant, I have the honour to inclose herewith translation of a note addressed to me by Signor Melegari, Minister for Foreign Affairs, in answer to the proposal of Her Majesty's Government for a Conference to be held at Constantinople which I communicated to his Excellency in my note of the 5th instant.

In this note Signor Melegari, after thanking your Lordship for the invitation, states that Her Majesty's Government being aware that the Italian Government considers that the preservation of peace is more important than anything else, cannot doubt that any proposition tending towards agreement will be favourably received by Italy.

His Excellency records his opinion that the work of the Conference, as well as of the preparatory discussions, might have been facilitated by the choice of a place of meeting other than Constantinople, and also that the sending of a second Plenipotentiary should be optional. Yet, being unwilling to do aught to retard matters, he does not hesitate to declare that Italy will be represented in the Conference in which all the other Guaranteeing Powers shall have agreed to take part.

His Excellency concludes by saying that the bases proposed in the month of September to Turkey having been supported by the unanimous opinion of the Guaranteeing Powers, seem fit to be adopted as the programme of the future deliberations; and he adds that the Italian Government, recognizing the great importance of

the two other points laid down by your Lordship, is ready to accept them.

I have, &c.,

*The Earl of Derby.*

A. PAGET.

(*Inclosure.*)—*Signor Melegari to Sir A. Paget.*

SIR,

(Translation.)

*Rome, November 7, 1876.*

IN a note of the 5th instant your Excellency invited me, in the name of your Government, to inform you, as quickly as possible, if Italy accepted the proposition for a Conference at Constantinople, of which England has decided to take the initiative, in which all the Guaranteeing Powers, as well as the Porte, should take part. This Conference, provided other Powers wished it, should be preceded by preliminary discussions between the Plenipotentiaries of only the Six Guaranteeing Powers, and these preliminary discussions, as well as the Conference which should follow, would leave the programme which, in your Excellency's note, is summed up in the three following points:—

1. Independence and integrity of the Ottoman Empire.
2. Declarations on the part of the Powers that they do not seek for territorial advantages, exclusive influence, or commercial concessions, as recorded in the Protocol signed in London on the 17th September, 1840, and in Paris on the 3rd of August, 1860.
3. The conditions of pacification proposed by Sir Henry Elliot to the Sublime Porte, and communicated to the King's Government by your Embassy in September last.

Your Excellency, has, at the same time, informed me that the Cabinet of London proposes that each Government should have two Plenipotentiaries in the Conference, and that a Special Ambassador would be appointed by England to proceed to Constantinople for this purpose.

I must, in the first place, beg your Excellency to convey to Lord Derby my most sincere thanks for the important communication in question. Her Britannic Majesty's Government being aware that the King's Government considers the common interest of the preservation of peace more important than anything else, cannot doubt that we shall receive favourably any proposition tending to this end through the agreement of the Six Guaranteeing Powers. Although, in my opinion, the work of an international Conference, as well as that to be accomplished in the preparatory discussions, might have been facilitated by the choice of another place for meeting, and although I am also of opinion that sending a second Plenipotentiary to Constantinople should be optional for each Government; yet, not wishing, by putting forward objections, to retard the benefits which all are expecting from the pacification of the Turkish Provinces and the Principalities of Servia and Montenegro, I do not hesitate to



declare to your Excellency that Italy will be represented in the Conference in which all the other Guaranteeing Powers shall have agreed to take part.

The bases proposed in the month of September to Turkey having been supported by the unanimous opinion of the Guaranteeing Powers, seem to us fit to be adopted as the programme of the future deliberations of the same Powers; and also respecting the other two points laid down in your Excellency's note, I wish Her Britannic Majesty's Government to know that Italy, recognizing their great importance, is ready to accept them.

I avail, &c.,

Sir A. Paget.

MELEGARI.

No. 936.—*Sir A. Paget to the Earl of Derby.*—(Rec. November 13.)

MY LORD,

Rome, November 9, 1876.

I HAVE the honour to acknowledge the receipt yesterday evening of your Lordship's telegram announcing that the Queen has been pleased to appoint the Right Honourable the Marquis of Salisbury, Her Majesty's Secretary of State for India, to be Her Majesty's Special Ambassador to attend the proposed Conference at Constantinople jointly with Sir Henry Elliot, and to inform your Lordship that I immediately conveyed this information in a note to the Italian Minister for Foreign Affairs.

I have, &c.,

The Earl of Derby.

A. PAGET.

No. 938.—*Lord Odo Russell to the Earl of Derby.*—(Received November 13.)

MY LORD,

Berlin, November 10, 1876.

THE German Government, who have accepted the proposed Conference in principle, are only waiting till the other Powers have adhered, to declare their own adherence officially.

The Emperor, it appears, is not inclined to appoint a second Plenipotentiary with the rank of Ambassador, and wishes that Baron Werther, His Majesty's Ambassador at Constantinople, should act as sole Representative of Germany at the preliminary discussions, and at the Conference when it meets.

I have, &c.,

The Earl of Derby.

ODO RUSSELL.

No. 940.—*Lord Lyons to the Earl of Derby.*—(Rec. November 13.)

MY LORD,

Paris, November 12, 1876.

THE Duc Decazes informed me this morning that the French Government had determined that the Comte de Chaudordy, the French Ambassador at the Court of Madrid, should be appointed Special Ambassador to represent France, in conjunction with the Comte de Bourgoing, the French Ambassador to the Porte, in the Conference at Constantinople.

M. de Bourgoing arrived at Paris yesterday from Constantinople and M. de Chaudordy is also here.

The Duc Decazes said that he had already requested the Minister of Marine to have a ship-of-war ready to convey them to Constantinople. He added that he was preparing the instructions for them, and that they would be ready to set out at once, whenever the proper moment should seem to have arrived. He added that he thought it would be well that they should start about the same time as Lord Salisbury.

The Duc Decazes expressed a hope that Lord Salisbury would pass through Paris, and a strong desire to have some conversation with him. He also said that he should be very glad to have an opportunity of presenting M. de Chaudordy and M. de Bourgoing to his Lordship.

I have, &c.,

*The Earl of Derby.*

LYONS.

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*No. 941.—Lord Lyons to the Earl of Derby.—(Rec. November 13.)*

MY LORD,

*Paris, November 12, 1876.*

THIS morning, in obedience to the instructions contained in your Lordship's despatch of the 9th instant, I conveyed to the Duc Decazes the thanks of your Lordship for his promptitude in communicating with Her Majesty's Government respecting the proposed Conference at Constantinople, and in informing them that he had summoned the Comte de Bourgoing, the French Ambassador at Constantinople, to come to Paris to receive instructions.

I added that the views of Her Majesty's Government were fully stated in the proposals respecting the Conference which I had made to him by your Lordship's order.

After expressing his acknowledgments for your Lordship's message, the Duke said he was very desirous of knowing a little more precisely the meaning attached by Her Majesty's Government to the word "autonomy."

I answered that the sense in which the word was used by Her Majesty's Government was explained in the conditions of peace which had been suggested by them in September, and which were to form the bases of the Conference. I proceeded to recite to the Duke the explanation in the following terms:—

"A system of local or administrative autonomy, by which is to be understood a system of local institutions which shall give the population some control over their own local affairs and guarantees against the exercise of arbitrary authority. There is to be no question of the creation of a tributary State."

The Duke said that he remembered that these were the terms stated in the letter in which I had communicated the conditions to him in September, but that it would still be useful to him in prepar-

ing his instructions for M. de Chaudordy and M. de Bourgoing to have some fuller explanation.

It had, he said, occurred to him that the larger the amount of self-government granted to the people, the less necessity there would be for requiring guarantees from the Porte, and for the exercise of superintendence by the Guaranteeing Powers. In fact, the responsibility both of the Powers and of the Porte would be small, if the people had so large a control over the administration of their affairs as to make their happiness and prosperity mainly dependent upon themselves.

On the other hand, the Powers were, the Duke said, pledged to introduce certain reforms, and to insure the execution of them. It was by no means certain that by leaving the provinces simply to administer themselves, any real improvement in their condition would be effected. It could hardly be hoped that in cases where a Christian or a Mussulman population predominated in districts, the majority would not oppress the minority. There appeared, in fact, to be no means of escaping altogether from the difficult question of taking security for the execution of reforms.

It had, the Duke told me, occurred to him that the institution of a sort of Tribunal at Constantinople, a sort of "Cour d'Abus," to which appeals might be made from the provinces, would best reconcile the dignity and independence of the Porte with the necessary superintendence on the part of the Powers. The Six Powers might be represented in the Tribunal by Judges nominated in something the same way as those of the Mixed Tribunals in Egypt. The Tribunal might send Commissions of its members to investigate complaints, or might even establish regular circuits at fixed intervals.

The Duke had not worked out the idea in detail; but it appeared to me that it might contain the germ of a very useful institution.

I have, &c.,

*The Earl of Derby.*

LYONS.

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*No. 942.—Sir H. Elliot to the Earl of Derby.—(Received November 13, 12:30 A.M.)*

(Telegraphic.) *Constantinople, November 13, 1876, 10:45 A.M.*

PORTÉ has again delayed answering invitation to Conference till a further report has been received from Musurus Pasha of a communication which he says he expects from your Lordship.

I have protested strongly against the delay.

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*No. 943.—Sir H. Elliot to the Earl of Derby.—(Rec. November 13.)*

(Telegraphic.) *Therapia, November 13, 1876, 10:50 A.M.*

GRAND VIZIER has expressed to me his earnest desire that Her

Majesty's Government would make known to the Porte the measures which it is expected to grant for the administration of provinces. He says that if the Porte was aware of what the Powers require, it would very likely be able to grant everything, and make it unnecessary to have a Conference, which is greatly dreaded.

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*No. 944.—Musurus Pasha to the Earl of Derby.—(Received November 13.)*

*Ambassade Impériale Ottomane, Londres,  
le 13 Novembre, 1876.*

MY LORD,

J'ai l'honneur d'accuser réception de la lettre que votre Excellence a bien voulu m'adresser en date d'hier au sujet de la Conférence proposée, et d'informer votre Excellence que je me suis empressé d'en transmettre par télégraphe la teneur à son Excellence Safvet Pasha, Ministre des Affaires Étrangères de la Sublime Porte.

J'ai, &c.,

*The Earl of Derby.*

MUSURUS.

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*No. 945.—The Earl of Derby to Sir H. Elliot.*

(Telegraphic.)

*Foreign Office, November 13, 1876, 5.25 P.M.*

IN reply to your telegram of 13th instant, Her Majesty's Government have explained to Musurus Pasha that they cannot concur in the objections advanced by the Porte, that other Powers would not do so either, and that as concert among the Powers is imperative and essential to pacification, Her Majesty's Government trust that the Porte will not refuse to join in the Conference.

Musurus Pasha has stated that he has telegraphed answer of Her Majesty's Government to Safvet Pasha.

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*No. 947.—The Earl of Derby to Lord Odo Russell.*

MY LORD,

*Foreign Office, November 13, 1876.*

YOUR Excellency stated, in your telegram of the 6th instant, that Herr von Bulow, on your communicating to him the proposals of Her Majesty's Government for a Conference, had informed you that he had submitted them to the Emperor and Prince Bismarck, and he would instruct the German Ambassador at Constantinople to attend the preliminary discussions.

In your despatch of the 16th instant you reported that the German Government had accepted the proposed Conference in principle, and were waiting till the other Powers had adhered to declare their own adherence officially.

As the other Powers have assented, it was to be expected that Germany would now have been in a position to give her official answer; but Count Münster has informed me to-day that he has no

instructions on the subject: and it not being clear, from the statement that the Conference is accepted in principle, whether it is to be inferred that the British proposal is accepted as it stands, I should wish your Excellency to inform me whether Her Majesty's Government are to understand that the German Government have accepted the Conference on the bases proposed by Her Majesty's Government.

I am, &c.,

Lord Odo Russell.

DERBY.

*No. 948.—Sir A. Buchanan to the Earl of Derby.—(Received November 13, at night.)*

(Telegraphic.)

*Vienna, November 13, 1876, 3.45 P.M.*

A TELEGRAM was sent to the Austrian Ambassador at Constantinople yesterday by Count Andrassy, informing him that Austria-Hungary has accepted the English programme for the Conference, and instructing him to avoid preliminary discussion till arrival of all the Representatives.

The second Plenipotentiary has not yet been named.

*No. 964.—Lord Odo Russell to the Earl of Derby.—(Rec. Nov. 14.)*

(Telegraphic.)

*Berlin, November 14, 1876.*

GERMAN Government have accepted the Conference in principle, and only wait for the adherence of all the other Powers to declare their adherence officially.

German Emperor will, not, however, appoint a second Ambassador.

*No. 973.—Memorandum communicated by Count Münster, November 15, 1876.*

THE German Government consent to the English programme for negotiations at Constantinople, and have authorized accordingly the Ambassador, Baron von Werther, to take part there at the deliberations.

*No. 975.—The Earl of Derby to Lord Odo Russell.*

MY LORD,

*Foreign Office, November 15, 1876.*

COUNT MÜNSTER informed me to-day that the German Government consent to the English programme for the negotiations at Constantinople, and have accordingly authorized the Imperial Ambassador, Baron von Werther, to take part there in the deliberations.

I am, &c.,

Lord Odo Russell.

DERBY.

*No. 976.—The Earl of Derby to Sir A. Paget.*

SIR,

*Foreign Office, November 16, 1876.*

I HAVE received your Excellency's despatch of the 7th instant

and I have to state to you that Her Majesty's Government approve the note which you addressed to the Italian Government, and a copy of which is therein inclosed, embodying the proposals of Her Majesty's Government for a Conference on the affairs of the East.

I am, &c.,

Sir A. Paget.

DERBY.

No. 979.—*The Earl of Derby to Sir H. Elliot.*

SIR,

Foreign Office, November 16, 1876.

I HAVE to state to your Excellency that Her Majesty's Government are greatly surprised at receiving no answer from the Porte about the Conference.

They cannot believe, after the urgent manner in which they have pressed it on the acceptance of the Porte as the only alternative left for the averting of war, that the Porte will refuse it; and the delay in the acceptance is becoming dangerous to the preservation of peace, as well as unfriendly to Her Majesty's Government.

If this last chance is allowed to pass, Her Majesty's Government will, in future negotiations, be compelled to withdraw all support and countenance from the Porte.

I am, &c.,

Sir H. Elliot.

DERBY.

No. 983.—*Sir H. Elliot to the Earl of Derby.*—(Rec. November 17.)

MY LORD,

Therapia, October 31, 1876.

SAFVET PASHA has asked me to convey to your Lordship the earnest hope of the Porte that there may not be a Conference.

I said that I had heard little on the subject of late, but that it seemed to be understood among the Powers that a Conference should be held, and I reminded him that on two occasions within a few years there had been Conferences which the Porte had equally disliked, but which had not proved injurious.

Safvet Pasha said that, although this was true, a Conference had never been held at a period when the Powers were so unfavourably disposed towards Turkey.

It had been proposed that the Porte should not be represented at a Conference to be held at Constantinople, and that in fact some Governments seemed to intend that the Conference should be a sort of European Tribunal by which a sentence should be pronounced against Turkey *par contumace*.

I said that there was no reason for believing this proposal to have found general favour among the Powers.

I have, &c.,

The Earl of Derby.

HENRY ELLIOT.

No. 1005.—*Sir A. Paget to the Earl of Derby.*—(Rec. November 17.)

MY LORD,

Rome, November 14, 1876.

IN a conversation which I had to-day with Signor Melegari, I asked his Excellency if he had taken any determination in regard to the appointment of a Special Plenipotentiary to the Conference at Constantinople.

His Excellency said that he felt no slight difficulty in doing so. In the first place, he did not exactly know whom to send. Satisfied as he was, and confiding entirely as he did, in the ability of Count Corti, he should be loth to put any one over his head; on the other hand, he did not see the utility of naming a Plenipotentiary who would be second to him. Under all circumstances, therefore, he thought that, for the preliminary discussions, at all events, the Italian Government would be content with one Representative—their present Minister at Constantinople. If, at the formal Conference, all the other Powers had two Plenipotentiaries, he would endeavour to find some one to act with Count Corti.

I asked his Excellency what he thought of the prospects of peace, especially with reference to the Emperor of Russia's recent speech.

Signor Melegari replied, that he believed a manifesto of a pacific nature was to appear to-day in the official "Journal of St. Petersburg." He added that his impression was that peace would be preserved, though not through the agency of the Conference, but by a direct understanding between Russia and Turkey, to which the other Powers would be invited to adhere.

I asked his Excellency if he had any information which led him to believe that separate negotiations were going on between the Russian and Turkish Governments. He replied that he had none whatever, but that he thought an understanding between them was to be expected in the natural course of things.

I have, &c.,

*The Earl of Derby.*

A. PAGET.

No. 1006.—*Sir A. Buchanan to the Earl of Derby.*—(Rec. Nov. 17.)

MY LORD,

Vienna, November 5, 1876.

WITH reference to my telegram of this day's date, I have the honour to transmit herewith to your Lordship a copy of the note which I have addressed to Count Andrassy, communicating to his Excellency the proposals of Her Majesty's Government relative to the composition of a Conference to be held at Constantinople, and the bases for its deliberations.

I have, &c.,

*The Earl of Derby.*

ANDREW BUCHANAN.

(*Inclosure.*)—*Sir A. Buchanan to Count Andrassy.*

M. LE COMTE,

*Vienna, November 5, 1876.*

WITH reference to the telegram from the Earl of Derby which I read to your Excellency this morning, I have now the honour, in compliance with your request, to communicate to you in writing the substance of the proposals which I have been instructed to make to the Austro-Hungarian Government, in consequence of the Government of the Queen my Sovereign having determined to take the initiative, as there appears to be some hesitation about the formal proposal of a Conference for negotiating peace between the Porte and the other parties which have been engaged in hostilities.

The proposals which I have been instructed to submit to your Excellency are the following:—

That a Conference should be held at Constantinople, in which the Guaranteeing Powers and the Porte shall take part, and in which each Government may have two Representatives.

That the bases for the deliberations for the Conference, as suggested by Her Majesty's Government, should be—

1st. The independence and territorial integrity of the Ottoman Empire.

2nd. A declaration that the Powers do not seek for territorial advantages, exclusive influence, or commercial concessions, as in the Protocols, of which copies are inclosed, of September 17, 1840, and August 3, 1860; and

3rd. The terms of the pacification proposed by Sir Henry Elliot, in conformity with instructions addressed to him by the Earl of Derby on the 21st of September last, namely—

(1.) The *status quo*, speaking roughly, both as regards Servia and Montenegro.

(2.) That the Porte should simultaneously undertake, in a Protocol to be signed at Constantinople with the Representatives of the Mediating Powers, to grant Bosnia and Herzegovina a system of local or administrative autonomy, by which is to be understood a system of local institutions which shall give the population some control over their own local affairs, and guarantees against the exercise of arbitrary authority.

There is to be no question of the creation of a tributary State.

Guarantees of a similar kind to be also provided against mal-administration in Bulgaria. The exact nature of these might be discussed later, and Sir Henry Elliot was to add that the reforms already agreed to by the Porte in the note addressed to the Representatives of the Powers on the 13th February last will be expected to be included in the administrative arrangements for Bosnia and the Herzegovina, and so far as they are applicable to Bulgaria.



I am further instructed to state that if the Powers agree to this proposal, Her Majesty's Government will at once appoint a Special Ambassador to proceed to Constantinople to take part in the Conference, and, if desired by the other Powers, Her Majesty's Government would not object to their two Plenipotentiaries joining in preliminary discussions for the opening of the Conference with the Plenipotentiaries of the other five Powers, which discussions should be on the same bases as those proposed for the Conference as they are stated above.

I avail, &c.,

Count Andrassy.

ANDREW BUCHANAN.

No. 1007.—*Sir A. Buchanan to the Earl of Derby.*—(Rec. Nov. 17.)

MY LORD,

Vienna, November 14, 1876.

WITH reference to a telegram from your Lordship dated yesterday, I mentioned to-day to Baron Orczy that Her Majesty's Government have caused the Porte to be informed that they cannot concur in the objections to the Conference which had been submitted to your Lordship by the Turkish Ambassador in London.

His Excellency observed in reply that he felt confident the Porte would accept the proposals of Her Majesty's Government when it found that they could neither be amended nor withdrawn.

I have, &c.,

The Earl of Derby.

ANDREW BUCHANAN.

No. 1011.—*Prince Gortchakow to Count Schouvaloff.*—(Communicated to the Earl of Derby by Count Schouvaloff, November 18.)

Tsarskoé Sélo, le  $\frac{1}{13}$  Novembre, 1876.

LES déplorables événements qui ensanglantent la presque île des Balkans ont profondément ému l'Europe. Les Cabinets se sont concertés et ont reconnu la nécessité de mettre un terme à cet état de choses, pour l'honneur de l'humanité et le repos général. Ils ont arrêté l'effusion du sang en imposant un armistice aux deux parties, et sont convenus de fixer les bases sur lesquelles la paix devrait être établie, afin d'offrir aux populations Chrétiennes des garanties sérieuses contre les incorrigibles abus de l'administration Turque, ainsi que contre l'arbitraire sans frein des fonctionnaires Ottomans, et de rassurer ainsi l'Europe contre le retour périodique de ces crises sanglantes.

Le Cabinet Impérial a contribué de tous ses efforts à constituer le concert des Grandes Puissances en vue d'une question où les intérêts politiques doivent s'effacer devant l'intérêt plus général de l'humanité et du repos Européen. Il ne négligera rien de ce qui peut dépendre de lui afin que cet accord aboutisse à un résultat sérieux et solide, répondant aux exigences de la conscience publique et de la paix générale.

Mais tandis que la diplomatie délibère depuis un an, afin de traduire en faits le concert des volontés de l'Europe, la Porte a eu le loisir de convoquer du fond de l'Asie et de l'Afrique le ban et l'arrière-ban des forces les moins disciplinées de l'Islamisme, de soulever le fanatisme Musulman, et d'écraser sous le poids du nombre les populations Chrétiennes en lutte pour leur existence. Les auteurs des horribles massacres qui ont révolté l'Europe continuent à jouir de l'impunité, et à l'heure qu'il est, leur exemple propage et perpétue dans toute l'étendue de l'Empire Ottoman et sous les yeux de l'Europe indignée les mêmes actes de violence et de barbarie.

Dans ces conjonctures, fermement décidé pour sa part à poursuivre et à atteindre par tous les moyens en son pouvoir le but tracé par le concert des Grandes Puissances, Sa Majesté l'Empereur a jugé nécessaire de mobiliser une partie de son armée.

Sa Majesté Impériale ne veut pas la guerre, et fera ce qui est possible pour l'éviter. Mais elle est résolu à ne point s'arrêter tant que les principes reconnus équitables, humains, nécessaires par l'Europe entière, et auxquels le sentiment public de la Russie s'est associé avec la plus grande énergie, n'auront pas reçu leur entière exécution sanctionnée par des garanties efficaces.

Vous êtes autorisé à donner lecture et à laisser copie de la présente dépêche à M. le Ministre des Affaires Étrangères.

Recevez, &c.,

Count Schouvaloff.

GORTCHAKOW.

No. 1013.—*Sir H. Elliot to the Earl of Derby.*—(Received November 18, at night.)

(Telegraphic.)

*Constantinople, November 18, 1876.*

MINISTER for Foreign Affairs has officially signified to me that, with unanimous sanction of Grand Council, the Porte agrees to Conference.

His Excellency added that the acceptance is accompanied by a few reserves, such as that the measures to be proposed by the Conference shall not interfere with the mechanism of the general administration.

No. 1025.—*Lord Odo Russell to the Earl of Derby.*—(Rec. Nov. 20.)

MY LORD,

*Berlin, November 18, 1876.*

YOUR Lordship's despatch of the 13th instant has only reached me to-day by Queen's Messenger, and the question it conveys in regard to the acceptance of the Conference by the German Government was answered by me in my despatch to your Lordship of the 10th instant.

The German Government, faithful to their principle of benevo-

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lent neutrality, waited until the other Guaranteeing Powers were agreed to accept the bases proposed by Her Majesty's Government, before they declared their own official acceptance of the programme they had in principle already adhered to.

I have, &c.,

*The Earl of Derby.*

ODO RUSSELL.

*No. 1026.—The Earl of Derby to Sir H. Elliot.*

SIR,

*Foreign Office, November 20, 1876.*

YOUR telegraphic despatch stating that the Porte had agreed, after the assembling of a General Council on the 18th instant, to the proposed Conference, having been received, the Marquis of Salisbury left England this morning, with the members of the Special Embassy, to proceed to Constantinople.

As your Excellency is already aware, the proposals made by Her Majesty's Government on the 4th instant have already been accepted by the Governments of the other Powers.

I am, &c.,

*Sir H. Elliot.*

DERBY.

*No. 1027.—Lord A. Loftus to the Earl of Derby.—(Rec. Nov. 21.)*

(Extract.)

*Yalta, November 5, 1876.*

I HAD the honour to be invited with the German Ambassador, General von Schweinitz, to the Imperial table at Livadia to-day.

The Emperor expressed to me the satisfaction with which he had read my despatch to your Lordship, which I left in the hands of Prince Gortchakow, reporting what had passed at my audience of His Majesty, observing that I had reported with great exactness the opinions he had expressed, and added that I had even reported them in the very words used by His Majesty.

His Majesty in thanking me for having been the truthful exponent of his feelings and intentions, expressed his gratification that they had been received by Her Majesty's Government with the greatest satisfaction, which I had communicated this morning to Prince Gortchakow in conformity with the instructions of your Lordship's telegram of the 4th instant.

Previous to going to Livadia, I had immediately on their receipt communicated to Prince Gortchakow, as contained in the annexed memorandum, your Lordship's proposals and basis for a Conference. They had been submitted to the Emperor, who expressed to me this evening his approval of them, except in regard to the employment of one word.

His Majesty expressed a wish that the term "territorial" preceding the phrase "integrity of the Ottoman Empire" should be omitted, and that the wording of Article I should be simply "the independence and integrity of the Ottoman Empire."

The Emperor then expressed to me his regret on learning the intended departure of the French Ambassador at Constantinople, as his absence would cause a delay of at least 15 days before the preliminaries could be discussed.

*The Earl of Derby.*

A. LOFTUS.

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*(Inclosure.)—Substance of Telegram received November 5, communicated to Prince Gortchakow.*

It appearing to Her Majesty's Government that there is some hesitation about a formal proposal of Conference, they have determined to make such a proposal to the Powers.

You are, therefore, to propose to the Imperial Government that a Conference should be held forthwith at Constantinople, in which all the Guaranteeing Powers and the Porte shall take part, and each Government may have two Representatives.

Her Majesty's Government propose the following bases for the deliberations of Conference:—

1. The independence and territorial integrity of the Ottoman Empire.

2. A declaration that the Powers do not seek for territorial advantages, exclusive influence, or commercial concessions, as in the Protocols of September 17, 1840, and of August 3, 1860.

3. The terms proposed to the Porte by Sir H. Elliot, in accordance with the Earl of Derby's instructions of the 21st September last.

Should the Powers consent to this proposal of Her Majesty's Government, a Special Ambassador will be at once appointed with orders to go to Constantinople to take part in the proposed Conference.

Her Majesty's Government would not object, if desired by the other Powers, that their two Plenipotentiaries should join in the preliminaries, before the opening of the Conference, with the Plenipotentiaries of the other Powers. The same bases proposed for the Conference to be observed in the preliminary discussions.

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*No. 1028.—Lord A. Loftus to the Earl of Derby.—(Rec. Nov. 21.)*

MY LORD,

*Yalta, November 6, 1876.*

I HAD an interview with Prince Gortchakow this morning, in order to learn the opinions and views of the Imperial Government in regard to your Lordship's proposals and bases for a Conference at Constantinople, which, as reported in my despatch of yesterday's date, I had communicated to his Highness yesterday evening.

His Highness stated that he agreed to those proposals with one single exception, namely, the term "territorial" preceding the phrase "integrity of the Ottoman Empire," in Article I.

His Highness stated that the Imperial Government could not accept that term, as it would exclude the possibility of a provisional occupation, which, in the interest of the Ottoman Empire itself, he considers will still be necessary for the security of the Christian population, and for the maintenance of peace and order during the introduction of the administrative reforms.

His Highness stated that there was still great agitation in Bulgaria as well as in Bosnia, and that excesses, with loss of life, were still being perpetrated, and that nothing but material force would restore peace and tranquillity.

There was no question of disturbing the integrity of the Empire. He stated most positively that Russia did not covet an inch of Turkish territory. If an occupation became necessary, it would be provisional, and would only continue until the present excited feelings were calmed down, and the administration placed on a regular and peaceable footing.

His Highness cited the precedent of Syria, to which the Protocol in 1860, mentioned in your Lordship's proposal, referred. He should be perfectly willing that Russia should be the "mandataire" of Europe, as were England and France in Syria, nor should he object to any other Power participating in an occupation. He foresees an occupation as an inevitable necessity, without which peace and order will never be restored, nor the contemplated reforms introduced.

In regard to the third point, viz., the terms proposed in your Lordship's instructions to Sir Henry Elliot of September 21, Prince Gortchakow stated that, in accepting them as a basis, he must say that, on the question of autonomy, his views were more expansive than those of Her Majesty's Government. This was, however, a question which would form matter for deliberation in the Conference.

I have, &c.,

*The Earl of Derby.*

AUGUSTUS LOFTUS.

*No. 1032.—Lord A. Loftus to the Earl of Derby.—(Rec. Nov. 21.)*

MY LORD,

*St. Petersburg, November 17, 1876.*

I ONLY received your Lordship's despatch of the 4th instant, containing the formal invitation of Her Majesty's Government to a Conference to be held at Constantinople, and submitting the bases for the deliberation of the Conference, after leaving the Crimea.

On receipt of your Lordship's telegram at Yalta, I placed in the hands of Prince Gortchakow a Memorandum of the proposals of Her Majesty's Government which have been since agreed to by the Imperial Government.

I thought it, however, desirable to record in an official form the

proposals as contained in your Lordship's despatch of the 4th instant, and I accordingly, on my return here, addressed an official note to Prince Gortchakow, embodying the proposals of Her Majesty's Government, of which I have the honour to inclose a copy to your Lordship. I have explained to the Chancellor my reason for doing so.

I have, &c.,

*The Earl of Derby.*

AUGUSTUS LOFTUS.

*(Inclosure.)—Lord A. Loftus to Prince Gortchakow.*

MON PRINCE,

*St. Petersburg, November 14, 1876.*

WITH reference to the Memorandum which I had the honour to place in the hands of your Highness at Orianda on the 5th instant, stating the terms on which I was instructed by telegraph to propose to the Imperial Government that a Conference should be held at Constantinople, I think it advisable to record those terms in an official note, as also the points which Her Majesty's Government submitted as the bases for the deliberations of the Conference.

Her Majesty's Government believe, from the communications which they have received from the Powers, that there is a general feeling that the only solution of the questions arising out of recent events in Turkey is to be found in a Conference, but that there is some hesitation felt in formally proposing it.

Under these circumstances, and with a view of bringing about a satisfactory settlement of those questions, Her Majesty's Government have determined to renew the suggestion made by them on the 5th ultimo, and to take the initiative in proposing that a Conference should be held forthwith at Constantinople, in which all the Guaranteeing Powers and the Porte should take part, and each Government should be at liberty to appoint two Plenipotentiaries to represent it.

Her Majesty's Government further submit, as the bases for the deliberations of the Conference:—

1. The independence and the territorial integrity of the Ottoman Empire.

2. A declaration that the Powers do not intend to seek for, and will not seek for, any territorial advantages, any exclusive influence, or any concession with regard to the commerce of their subjects which those of every other nation may not equally obtain.

This declaration was made on the 17th September, 1840, in the Protocol for the Pacification of the Levant; and again, on the 3rd August, 1860, in regard to the Pacification of Syria.

3. The bases of pacification proposed to the Porte on the 21st of September, viz.:—

(a.) The *status quo*, speaking roughly, both as regards Servia and Montenegro.

(b.) That the Porte should simultaneously undertake, in a Protocol to be signed at Constantinople with the Representatives of the Mediating Powers, to grant to Bosnia and Herzegovina a system of local or administrative autonomy, by which is to be understood a system of local institutions which shall give the population some control over their own local affairs, and guarantees against the exercise of arbitrary authority. There is to be no question of the creation of a tributary State.

Guarantees of a similar kind to be also provided against mal-administration in Bulgaria.

The reforms already agreed to by the Porte, in the note addressed to the Representatives of the Powers on the 18th of February last, to be included in the administrative arrangements for Bosnia and the Herzegovina, and, so far as they may be applicable, for Bulgaria.

Her Majesty's Government have also desired that in proposing to the Government of His Majesty the Emperor of Russia a Conference on these bases, I should state that if this proposal meets with general acceptance, Her Majesty's Government will lose no time in appointing a Special Ambassador to proceed to Constantinople to take part in the Conference.

If the other Powers thought it advisable Her Majesty's Government would not object to their Plenipotentiaries joining in preliminary discussions with the Plenipotentiaries of the other Five Guaranteeing Powers before the opening of the Conference. These discussions to be on the same bases as those proposed for the Conference.

I avail, &c.,

*Prince Gortchakow.*

AUGUSTUS LOFTUS.

No. 1033.—*Musurus Pasha to the Earl of Derby.*—(Rec. Nov. 21.)

*Ambassade Impériale Ottomane, Londres,*

MY LORD,

*le 20 Novembre, 1876.*

LA haute sollicitude que le Gouvernement de Sa Majesté Britannique a de tout temps témoignée pour le maintien intact de l'intégrité et de l'indépendance de l'Empire Ottoman, ainsi que les dispositions bienveillantes qu'il a constamment montrées à la Sublime Porte dans le cours des derniers événements, sont l'objet de la reconnaissance du Gouvernement Impérial.

Pénétrée de ce sentiment, et considérant que l'Angleterre s'est mise d'accord avec les autres Grandes Puissances pour aplanir les difficultés actuelles au moyen d'une Conférence, et que le but réel des Gouvernements est, tout en maintenant l'intégrité et l'indépendance de l'Empire, d'aviser à la mise à exécution de réformes propres à assurer le bien-être et la sécurité des sujets de Sa Majesté

Impériale le Sultan, la Sublime Porte, par déférence envers les Grandes Puissances, ses amies et alliées, n'hésite pas à consentir à la réunion à Constantinople de la Conférence proposée.

Elle espère que les Plénipotentiaires appelés à en faire partie ne s'écarteront point des dispositions du Traité de Paris; qu'ils s'attacheront à préserver de toute atteinte les droits et le prestige du pouvoir souverain, qui, eu égard aux mœurs et aux idées des populations de l'Empire, constituent le fondement moral de l'autorité; qu'ils voudront bien s'abstenir de tout ce qui pourrait être moralement et matériellement préjudiciable à l'Administration intérieure de l'Empire; et qu'ils auront en vue le respect des Traités dont les Grandes Puissances ont toujours conseillé à la Sublime Porte la stricte observation.

Ces considérations inspirent au Gouvernement Impérial une grande confiance dans le résultat satisfaisant de la Conférence; et il reste convaincu que les Grandes Puissances voudront bien reconnaître, de leur côté, la haute valeur des réformes et des institutions nouvelles à l'application desquelles la Sublime Porte procède en ce moment pour toute l'étendue de l'Empire, et qui, tout en assurant la sécurité et le bien-être des populations de certaines provinces sur lesquelles se porte plus spécialement la sollicitude des Puissances, satisferont dans la plus large mesure à leurs besoins légitimes.

Heureux d'être chargé de communiquer ce qui précède à votre Excellence au nom du Gouvernement Impérial, je saisis, &c.

*The Earl of Derby.*

MUSURUS.

*No. 1038.—The Earl of Derby to Sir H. Elliot.*

SIR,

*Foreign Office, November 23, 1876.*

WITH reference to your Excellency's despatch of the 31st ultimo, reporting your conversation with Safvet Pasha on the subject of the Porte's anxiety that there should not be a Conference, I have to state that Her Majesty's Government approve the language held by your Excellency on that occasion.

I have, &c.,

*Sir H. Elliot.*

DERBY.

*No. 1052.—Sir A. Paget to the Earl of Derby.—(Rec. Nov. 26.)*

(Extract.)

*Rome, November 20, 1876.*

M. MELEGARI informed me that the Greek Government had recently applied to that of Italy, with the view of inducing them to take the initiative of proposing at the Conference that the same measures should be granted to the Greek populations in Thessaly, Epirus, and Macedonia, as it was proposed to obtain for the Christians of the insurgent Provinces; to which, his Excellency told me, he had replied that, although Italy had the greatest sympathy for



Greece and the Greek population of Turkey, she was, nevertheless, not one of the Guaranteeing Powers of Greece, and it would consequently appear like an act of presumption on the part of the Italian Government to be the proposer of such a measure.

He therefore advised the Greek Government to address themselves on this subject to the Guaranteeing Powers.

*The Earl of Derby.*

A. PAGET.

*No. 1053.—Prince Gortchakow to Count Schouvaloff.—(Communicated to the Earl of Derby by Count Schouvaloff, November 27.)*

M. LE COMTE,

*Tzarskoe-Selo, le 7 Novembre, 1876.*

LORD AUGUSTUS LOFTUS nous a donné lecture de la dépêche que Lord Derby lui a adressée en date du 30 Octobre.

Elle a pour objet de récapituler les efforts faits par le Cabinet de Londres en vue du rétablissement de la paix en Orient.

Nous relevons avec satisfaction qu'elle constate, en même temps, l'empressement que le Cabinet Impérial a mis à aller au devant d'un accord avec l'Angleterre.

Nous n'avons jamais cessé de travailler à une entente générale des Grandes Puissances comme la seule garantie d'une solution pacifique des difficultés Orientales, et notre premier soin a été de nous en ouvrir au Cabinet de Londres. Dès le mois d'Août de l'année dernière, prévoyant les dangers de l'insurrection naissante et craignant de la voir se transformer en question d'Orient, je vous avais chargé, à Vevey, d'y rendre le Cabinet Anglais attentif à votre retour à Londres. Mais à cette époque le Gouvernement de Sa Majesté Britannique ne parut pas y attacher l'importance nécessaire.

L'Autriche-Hongrie, plus directement intéressée, accueillit nos offres de concours pour prévenir ces périls, et s'entendit avec nous afin de soumettre à l'acceptation des Grandes Puissances des mesures d'apaisement.

Le projet contenu dans la dépêche du Comte Andrassy du 30 Décembre\* obtint l'appui du Cabinet de Londres, bien qu'il fut jugé inefficace, et ainsi fut posée la base du concert général que nous désirions.

Mais lorsque l'expérience eut démontré que le plan de réformes élaboré à Vienne n'était pas réalisable, faute des moyens pratiques d'exécution, et que les trois Cours Impériales proposèrent aux Grandes Puissances de développer ce programme en y ajoutant la sanction des garanties formulées dans le Mémorandum de Berlin, le Cabinet de Londres crut devoir rejeter ces propositions sans les examiner, sans les discuter, et sans y substituer aucune autre proposition.

Ainsi fut interrompu le travail d'apaisement et de conciliation

auquel nous avons concouru, et les conséquences en ont été terribles.

Depuis ce moment le Cabinet Impérial n'a rien négligé de ce qui pouvait dépendre de lui pour rétablir l'entente générale, et il a adhéré à la plupart des propositions faites par l'Angleterre. Si quelques nuances se sont manifestées entre les deux Cabinets dans les différentes phases de la négociation, elles tenaient aux circonstances et non à leurs intentions. Nous aimons à en trouver la preuve même dans les démarches sur lesquelles ils n'ont pas pu tomber d'accord, c'est-à-dire, les mesures d'exécution militaires et navales et l'armistice de six mois.

Quant à la première, en proposant de combiner les mesures d'exécution militaire avec l'entrée des escadres dans le Bosphore et même de limiter ces mesures à l'occupation maritime des Détroits, si cela était jugé suffisant, le Cabinet Impérial a attesté son entier désintéressement et sa déférence particulière pour l'Angleterre, naturellement appelée à jouer un rôle prépondérant dans toute action maritime.

Quant à la seconde, le Cabinet Impérial ne s'est pas cru en droit d'imposer à la Serbie et au Monténégro une combinaison qui tendait à prolonger leur situation pénible et onéreuse sans leur offrir aucune garantie d'une paix équitable et solide. Si le Cabinet de Londres eut échangé ses idées avec nous avant d'exprimer son adhésion à cette proposition, nous lui aurions exposé franchement notre point de vue ; peut-être eut-on évité ainsi une divergence ostensible qui a nécessairement dû diminuer le respect de la Porte pour le concert Européen.

Mais ces nuances d'appréciation s'effacent devant le désir mutuel d'une entente existant entre les deux Cabinets, ainsi que le constate le Principal Secrétaire d'État de Sa Majesté Britannique. Pour nous c'est là l'essentiel ; aussi avons-nous vu avec une sincère satisfaction que le Cabinet de Londres s'est écarté de la stricte réserve qu'il semblait s'être imposé à la date de la dépêche de Lord Derby, en prenant depuis lors l'initiative d'une proposition tendant à constituer une Conférence et à en fixer les bases et le mode d'action. Nous nous y sommes ralliés avec le meilleur vouloir, et le Cabinet de Londres peut compter sur notre concours pour arriver, par un accord, à une solution pacifique de la crise présente.

C'est parce que nous sommes animés de ce désir sincère d'une bonne entente que nous croyons devoir indiquer, franchement et sans aucune réticence, les points qui séparent nos appréciations de celles du Principal Secrétaire d'État de Sa Majesté Britannique quant à la situation actuelle des choses.

Les deux Cabinets sont d'accord sur la nécessité de ramener la paix en Orient et de préserver celle de l'Europe en mettant un terme

au déplorable état de la Turquie. Lord Derby reconnaît, comme nous, que pour arriver à un apaisement solide et durable, il importe d'améliorer, d'une manière efficace, la condition des sujets Chrétiens du Sultan par des réformes sérieuses et pratiques. Il reconnaît également, comme nous, l'insuffisance de réformes sur papier, et la nécessité indispensable de garanties d'exécution.

Nous ne différons d'avis que sur les moyens de réaliser ce but, qui est commun à toute l'Europe.

Le Cabinet de Londres voudrait le concilier avec la lettre des stipulations conclues en d'autres temps, dans une autre situation, avec d'autres idées, sans tenir compte des 20 années écoulées, et la pénible expérience qu'elles ont apportée. Cette expérience a démontré, avec la dernière évidence, que l'action Européenne en Turquie s'est condamnée à l'impuissance par les stipulations de 1856, et que la Porte en profite pour perpétuer le régime ruineux pour elle et pour ses sujets Chrétiens, désastreux pour la paix générale, révoltant pour les sentiments d'humanité et pour la conscience de l'Europe Chrétienne, qu'elle poursuit depuis 20 ans avec la certitude d'une complète impunité.

À différentes reprises les Grandes Puissances ont dû se départir de ces principes absolus en intervenant directement dans les affaires de la Turquie, notamment en Syrie, dans les Principautés Unies, en Serbie, et en Candie, et leur action a obtenu des résultats partiels et momentanés. Mais les causes premières du mal subsistent en permanence et, se généralisant, devaient forcément aboutir, tôt ou tard, aux conséquences que le Cabinet Impérial n'a pas cessé de signaler depuis 20 ans à la prévoyance de l'Europe.

Aujourd'hui le témoignage des faits est irrécusable. Jamais la diplomatie ne s'est plus agitée autour des questions Orientales que pendant l'année écoulée, jamais l'Europe n'en a été plus troublée, plus menacée dans son repos, ses intérêts, sa sécurité. Jamais les violences, par lesquelles les Turcs ont répondu à ses efforts de conciliation et d'apaisement, n'ont été plus odieuses et accomplies dans de plus vastes proportions ; jamais elles n'ont révélé avec plus d'évidence la profondeur et le caractère incurable du mal qui ronge la Turquie et met en péril la sécurité de l'Europe.

Si les Grandes Puissances veulent faire une œuvre sérieuse et ne pas s'exposer au retour périodique et toujours aggravé de ces crises dangereuses, il est impossible qu'elles persévèrent dans le système qui en laisse subsister les germes et leur permet de se développer avec l'inflexible logique des choses.

Il importe de sortir de ce cercle vicieux et de reconnaître que l'indépendance et l'intégrité de la Turquie doivent être subordonnées aux garanties réclamées par l'humanité, les sentiments de l'Europe Chrétienne, et le repos général.

La Porte a été la première à enfreindre les engagements qu'elle a contractés par le Traité de 1856 vis-à-vis de ses sujets Chrétiens. L'Europe a le droit et le devoir de lui dicter les conditions auxquelles seulement elle peut, de son côté, consentir au maintien du *status quo* politique créé par ce Traité, et puisque la Porte est incapable de les remplir, elle a le droit et le devoir de se substituer à elle en tant qu'il est nécessaire pour en assurer l'exécution.

La Russie moins que toute autre Puissance peut consentir à renouveler les expériences de palliatifs, de demi-mesures, de programmes illusoires qui ont abouti aux tristes résultats qui sont sous les yeux de tous et réagissent sur sa tranquillité et sa prospérité intérieure. Mais si elle est plus directement, plus vivement intéressée à y mettre un terme par des améliorations sérieuses et efficacement garanties, elle n'en considère pas moins cette question comme d'un intérêt général réclamant le concert des volontés de toutes les Grandes Puissances afin d'être résolue pacifiquement.

Quant aux vues personnelles qu'elle apporte dans la poursuite de ce but, elles sont étrangères à toute arrière-pensée exclusive; les assurances les plus positives à cet égard ont été maintes fois données par le Cabinet Impérial. Votre Excellence a été formellement chargée, par ma lettre du 22 Octobre, de les renouveler au Principal Secrétaire d'État de Sa Majesté Britannique dans les termes les plus catégoriques.

Sa Majesté l'Empereur les a confirmées à Livadia à Lord Augustus Loftus avec l'autorité de sa parole souveraine.

Le Cabinet de Londres ne saurait conserver aucun doute à cet égard, et nous espérons qu'il ne tardera pas à mettre la nation Anglaise en mesure de se former la même conviction en publiant le rapport de son Représentant.

Votre Excellence est autorisée à donner lecture et copie de la présente dépêche à Lord Derby.

Nous aimons à croire que le Principal Secrétaire d'État de Sa Majesté Britannique y trouvera aussi la preuve de notre sincère désir d'agir de concert avec la Grande Bretagne afin que les principes sur lesquels les deux pays sont tombés d'accord comme base de la pacification de l'Orient ne restent point, comme par le passé, une lettre morte, un programme stérile, sans sincérité ni efficacité, laissant constamment suspendue sur les relations des deux pays et sur la paix de l'Europe la menace des périls qui les troublent aujourd'hui.

Recevez, &c.,

Count Schouvaloff.

GORTCHAKOW.

No. 1055.—*Sir H. Elliot to the Earl of Derby.*—(Rec. Nov. 27.)

MY LORD,

Constantinople, November 13, 1876.

THE Porte continues to regard the proposal for a Conference with

extreme aversion, and the Grand Vizier has sent to me to express his earnest desire that Her Majesty's Government would make known to him the measures which it is intended to propose to the Porte for the administration of the insurgent Provinces.

He says that if he knew what the Powers proposed to ask, it might very likely be possible for the Porte to grant all, and perhaps more than was demanded, and thus render unnecessary the Conference which it looked forward to with so much dread.

I replied that it had been decided that there must be a Conference, with the general bases of which he was already acquainted.

These should satisfy him that the Porte might agree to the proposal without danger, and I hoped no further time would be lost in signifying its acceptance.

I have, &c.,

*The Earl of Derby.*

HENRY ELLIOT.

No. 1061.—*Sir H. Elliot to the Earl of Derby.*—(Rec. November 27.)

MY LORD,

*Constantinople, November 17, 1876.*

I WENT to the Porte two days ago, where I met the Grand Vizier, Midhat Pasha, and Safvet Pasha, upon whom I strongly urged the necessity of at once accepting the proposed Conference.

I need not repeat the arguments I used, but I left them satisfied that they would give way, and signify their acceptance.

The question was submitted the next day to the Council of Ministers, which was in favour of the acceptance, but said that it must be submitted to the Sultan.

His Majesty consequently presided over a Council, at which the opinion was again favourable, but coupled with a decision that it must be referred to a Grand Council, which, to-day being Friday, cannot be held till to-morrow.

I am, however, assured that there is no doubt of the decision being the same as that arrived at by the Ministerial Council.

I this morning sent to Savfet Pasha the substance of your Lordship's telegram of yesterday, and he has promised that by to-morrow afternoon the final decision shall be taken.

I have, &c.,

*The Earl of Derby.*

HENRY ELLIOT.

No. 1069.—*The Earl of Derby to Lord A. Loftus.*

MY LORD,

*Foreign Office, November 28, 1876.*

HER Majesty's Government approve the official note addressed by your Excellency to Prince Gortchakow, a copy of which is inclosed in your despatch of the 17th instant, embodying the proposals for a Conference contained in my despatch of the 4th instant.

I am, &c.,

*Lord A. Loftus.*

DERBY.

*No. 1070.—The Earl of Derby to Lord A. Loftus.*

MY LORD, *Foreign Office, November 28, 1876.*  
 HER Majesty's Government approve the Memorandum in which  
 your Excellency communicated to Prince Gortchakow their pro-  
 posals and basis for a Conference, and of which a copy is inclosed in  
 your despatch of the 5th instant. I am, &c.,  
*Lord A. Loftus.* DERBY.

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*No. 1072.—The Earl of Derby to Sir H. Elliot.*

SIR, *Foreign Office, November 29, 1876.*  
 YOUR Excellency's despatch of the 8th instant has been received  
 and laid before the Queen; and I have to state to you that Her  
 Majesty's Government approve the language which you held to  
 Safvet Pasha, in answer to the objections brought forward by that  
 Minister to the meeting of a Conference. I am, &c.,  
*Sir H. Elliot.* DERBY.

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*No. 1083.—Sir H. Elliot to the Earl of Derby.—(Rec. December 4.)*

MY LORD, *Constantinople, November 23, 1876.*  
 THE first question likely to arise upon the arrival of the Marquis  
 of Salisbury will relate to the character to be given to the pre-  
 liminary meetings of the foreign Representatives.

I have informed your Lordship by telegraph of the fear enter-  
 tained by Safvet Pasha that resolutions might be adopted at those  
 meetings to be merely submitted afterwards to the Conference for  
 its ratification.

This is, unquestionably, the aim of the Russian Ambassador,  
 who would thus practically attain the original wish of his Govern-  
 ment for a Conference of the Christian Powers to decide upon  
 arrangements to be imposed upon the Porte.

General Ignatiev, at a meeting of his colleagues this afternoon,  
 spoke of the necessity of making an arrangement for recording  
 formally what passed at those preliminary meetings, with a view to  
 the avoidance of future misunderstandings.

I said that, till the arrival of the instructions which Lord  
 Salisbury would bring, I should have no information enabling me to  
 judge whether Her Majesty's Government intended the meetings in  
 question to be of the formal nature he seemed to anticipate.

The anxiety of the Russian Government to make it appear that  
 whatever is done for the Christians is done by the Powers, and not  
 by the Porte, is as marked as ever. The object is to weaken the  
 authority of the Sultan, and to teach the populations that they have  
 only the foreign Governments to look to for protection, which can-  
 not be the wish of the Governments which sincerely desire the

maintenance of this Empire at the same time as the removal of the grievances which lead to discontent and insurrection.

The one broad principle upon which we can all agree is the equality of all the Sultan's subjects of whatever race or religion.

This exists in theory, but in theory alone, already, and our object must be to remove the disqualifications under which the Christians still labour.

The acceptance of Christian evidence in all causes in which Christians are interested; the participation of Christian Judges in mixed cases; the immediate admission of Christians into the police force, and their gradual incorporation into the army; and the employment of a fair proportion of Christians in all offices of the Central, and still more of the Provincial Administrations,—are the principal measures required.

The Porte should make known to the Powers the manner in which it proposes to carry these measures out, and it will be for the Conference to examine how far the proposals seem calculated to attain the object.

The grievances to be removed exist in all parts of European Turkey, and the remedies must be applied to all alike, unless the seeds of future insurrections are to be sown in other provinces, which are entitled to equal consideration, but which, not being Slav, are regarded with indifference by Russia.

I have, &c.,

*The Earl of Derby.*

HENRY ELLIOT.

[The first preliminary meeting of the Plenipotentiaries was held at Constantinople on the 11th December, 1876.]

**CORRESPONDENCE relative to the Slave Trade, 1875–76 ;**  
*viz.:*—

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## BRAZIL.

### No. 2.—*The Earl of Derby to Mr. Mathew.*

SIR, Foreign Office, July 21, 1876.

I TRANSMIT to you herewith a copy of a despatch and of its inclosures from Her Majesty's Minister at Washington,\* calling attention to the proceedings of the United States' Steam-ship Company, whose vessels run from New York to Rio de Janeiro, touching at intermediate ports, in transporting slaves from one Brazilian port to another.

It appears from Mr. Vanorden's statement that although the United States' Post Office contract with the Company in question to carry the United States' mails, the vessels employed are British steamers and carry the British flag; and on this understanding, therefore, I have to request that you will call the attention of the United States' Steam-ship Company to the circumstances referred to by Sir Edward Thornton, and point out to them the serious consequences to which they may render themselves liable by allowing slaves to be conveyed on board their vessels.

You will remind them that Her Majesty's cruisers are entitled to search British vessels, and that, in the event of slaves being found on board, whether those slaves are being conveyed for sale or merely as consignments, the vessel may be detained on suspicion of being engaged in Slave Traffic, and sent for adjudication before a British Vice-Admiralty Court.

G. B. Mathew, Esq.

I am, &c.,

DERBY.

### No. 3.—*Mr. Mathew to the Earl of Derby.*—(Received October 2.)

MY LORD, Rio de Janeiro, September 4, 1876.

UPON receipt of your Lordship's despatch of the 21st July I addressed a letter to Messrs. Johnstone and Co. of this city, the Agent of the British steam-ships under contract with the Post Office of the United States, for carrying mails to New York, a copy of which, and of their reply, I have the honour to inclose.

The ships are the property, I believe, of Messrs. Walker of Middlesborough.

\* Page 424.



I am unable to concur in the view taken by Messrs. Johnstone, that the notice in the public papers of slaves "á entregar" (to deliver) is incorrect, as in the one to which they call my attention, referring to the Royal Mail steam-ship *Mondego*, domestic servant slaves are inserted immediately after the names of their masters, and the names of free blacks are specified as such.

I have no doubt, on the contrary, that all the steam-ships touching at the northern ports of Brazil have of late crept into the habit of bringing a few slaves "á entregar" each voyage. The captains may possibly have been unaware of the condition of their passengers, but the agents in the ports where they embarked must have been perfectly cognizant of the facts. I have, therefore, addressed a despatch (copy inclosed) to Her Majesty's Consuls at those ports, as well as to the agents of the Royal Mail and of other Steam-ship Companies in this capital.

The sugar estates in the northern provinces have scarcely yielded any profit to their owners for several years, and this, coupled with prospective emancipation, has led many owners to purchase coffee-lands further south for slave cultivation. During the last four months the average arrival of slaves from the north has exceeded 100 per week.

I beg to inclose also copies of my letter to the agents of the various Steam-ship Companies.

I have, &c.,

*The Earl of Derby.*

GEORGE BUCKLEY MATHEW.

(*Inclosure 1.*)—*Mr. Mathew to Messrs. Johnstone and Co.*

GENTLEMEN,

*Rio de Janeiro, August 17, 1876.*

THE attention of Her Majesty's Government has been called to a statement made at Washington, that the steam-ships now under contract with the Government of the United States to carry the mails from Rio de Janeiro to New York, touching at intermediate ports, are in the habit of carrying slaves from one Brazilian port to another. A special instance of this has been pointed out as having occurred on the voyage of the *Nellie Martin* from Bahia to Rio on the 1st of March last.

Her Majesty's Secretary of State having further understood that these vessels carry the English flag, and are consigned to you, has instructed me to call your immediate attention to the matter, and to point out to you the serious consequences to which you will render yourselves liable by allowing slaves to be conveyed on board your vessels.

Her Majesty's cruisers are entitled to search British vessels, and in the event of slaves being found on board, whether those slaves

are being conveyed for sale or merely as consignments, the vessel may be detained on suspicion of being engaged in Slave Traffic, and sent for adjudication before a Vice-Admiralty Court.

I have, &c.,

GEORGE BUCKLEY MATHEW.

*Messrs. Johnstone and Co.*

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(Inclosure 2.)—*Messrs. Johnstone and Co. to Mr. Mathew.*

SIR,

*Rio de Janeiro, August 18, 1876.*

WE have to acknowledge receipt of your Excellency's letter of yesterday's date, in which you inform us that the attention of Her Majesty's Government has been called to a statement made at Washington that the steamers now under contract with the Government of the United States to carry the mails between New York and Brazil are in the habit of conveying slaves from one Brazilian port to another, and you point out a special instance of this as having occurred on board the *Nellie Martin* from Bahia to Rio on the 1st March last.

As special reference is made to our firm as representing the steamers in question, we should, in the first place, inform your Excellency that our connection with the Star Ball line of steamers, to which the *Nellie Martin* belongs, has always been limited to the management of the steamer's business as agents at this port, and that we have no further interest in the undertaking, nor have we any control over it beyond these limits. In the case which your Excellency brings forward, it would appear from inquiries which we have made here, that there were 11 blacks brought down from Bahia; but we are informed by our clerk, who went on board to receive the steamer's papers, that the Captain stated that they had come on board as passengers in the ordinary way, and that he did not know anything about their being slaves. We have, however written to the agents of the line at Bahia for further particulars, as the responsibility of taking the persons referred to on board rested with them, and their action is not in any way under our control.

We would only add, in conclusion, that no slaves have ever been carried from this port to the north by any of the steamers of the Star Ball line, and that the expression "escravos á entregar" is often used by the newspapers here when manifestly incorrect, as your Excellency will see on reference to the passenger list of the Royal mail-steamer *Mondego*, in the "Jornal do Commercio" of yesterday.

We have, &c.,

*G. B. Mathew, Esq.*

ED. JOHNSTONE AND CO.

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(Inclosure 3.)—*Mr. Mathew to Consul Morgan.\**

SIR,

*Rio de Janeiro, August 28, 1876.*

STATEMENTS having been made to Her Majesty's Government that slaves are carried from one Brazilian port to another in British steam-ships, I have received a despatch from the Earl of Derby, instructing me to point out to the parties concerned the serious consequences to which they may render themselves liable by allowing slaves to be conveyed on board their ships.

I am directed to remind them that Her Majesty's cruisers are entitled to search all British vessels, and in the event of slaves being found on board, whether conveyed for sale or merely as consignments, that vessel may be detained on suspicion of being engaged in Slave Traffic, and sent for adjudication before a British Vice-Admiralty Court.

I find, upon inquiry in this capital, that any cases of this nature that may have occurred have arisen from the acts of agents in the northern ports of Brazil, from which slaves are consigned—generally for sale—to Rio de Janeiro; and I therefore have to request you to warn the firms interested in steam-ship agencies in your Consulate of the danger to which their ships will be exposed by any further infringement of the laws of Great Britain.

I have, &c.,

*John Morgan, Esq.*

GEORGE BUCKLEY MATHEW.

(Inclosure 4.)—*Mr. Mathew to Messrs. Norton, Morgan and Youle, Messrs. E. P. Wilson and Co., and Mr. May.*

GENTLEMEN,

*Rio de Janeiro, August 29, 1876.*

A STATEMENT having been made to Her Majesty's Government that steam-ships under the British flag were in the habit of carrying slaves from one Brazilian port to another, I have been instructed by the Earl of Derby to point out to the parties concerned the serious consequences to which they may render themselves liable by allowing slaves to be conveyed on board their ships.

I am directed to remind them that Her Majesty's cruisers are entitled to search all British vessels, and, in the event of slaves being found on board, whether conveyed for sale or merely as consignments, that the vessel may be detained on suspicion of being engaged in Slave Traffic, and sent for adjudication before a Vice-Admiralty Court.

I am, &c.,

GEORGE BUCKLEY MATHEW.

No. 5.—*Mr. Mathew to the Earl of Derby.*—(Received November 3.)

MY LORD,

*Rio de Janeiro, October 6, 1876.*

I AM happy to be enabled to state that the various lines of

\* Similar despatches were addressed to Mr. Walker (Pernambuco) and Mr. Green (Pará).

English steam-ships have hitherto carefully attended to the communication I addressed to the agents with regard to the transport of slaves for delivery for sale.

They still carry slave servants accompanying their masters, but I apprehend that their passage tickets are taken as for servants.

The agents, however, complain, with some show of reason, of the course adopted by the French and German steam-ship companies, who are apparently the gainers by the prohibition extended to them.

The last vessel of the Bremen line brought 47 slaves "à entre-gar."

I am not fully cognizant of the law of France upon this point, but I apprehend that the German law is similar to that of England, and I assure myself that should your Lordship think proper to call the attention of those Governments to the question, the carrying of slaves will equally be put an end to by them.

I have, &c.,

*The Earl of Derby.*

GEORGE BUCKLEY MATHEW.

*No. 6.—Mr. Mathew to the Earl of Derby.—(Rec. November 30.)*

MY LORD,

*Rio de Janeiro, November 8, 1876.*

IN my despatch of the 6th ultimo I alluded to the complaint of some agents of Steam-ship Companies that German and French vessels were permitted to carry slaves on the coast of Brazil.

I have since been informed by my colleagues the Chargés d'Affaires of France and Germany that a stop had been put to this custom.

M. Turnaux Compaces, the Chargé d'Affaires of France, indeed spoke to me first on the subject, upon which he evinced a warm interest.

I have, &c.,

*The Earl of Derby.*

GEORGE BUCKLEY MATHEW.

## EGYPT.

*No. 12.—Major-General Stanton to the Earl of Derby.—(Received February 27.)*

MY LORD,

*Cairo, February 17, 1876.*

I HAVE had the honour of receiving your Lordship's despatch of the 1st instant, transmitting for my information the copy of a despatch from Her Majesty's Consul at Bengazi,\* reporting upon

the Slave Trade carried on from Wadai through Jalo to the northern ports of Barbary, and calling for any information which I may be able to furnish which would show whether any slaves are introduced into Egypt by the western frontiers of this country, and the extent to which this Traffic is carried on.

It is out of my power to offer your Lordship any positive information on this head, but I have reason to believe that since the annexation of Darfur to Egypt the numbers of slaves introduced into this country by the western frontier have been reduced most sensibly, though there is reason to suppose that notwithstanding the orders, and the precautions taken by the Egyptian Government, small numbers are still imported by way of Siwah, as reported in Mr. Henderson's despatch.

The geographical position of Siwah and the nature of the desert routes from that oasis to the Nile are much in favour of the slave-dealers, as they render efficient surveillance extremely difficult, but I have no reason to believe any large slave-caravans now reach this country from any part of the Libyan desert.

I will endeavour to procure for your Lordship more accurate information on this subject; but without special agents to watch the caravan-routes it is almost impossible for me to form any reliable estimate of the extent to which this Traffic is carried on.

I have, &c.,

*The Earl of Derby.*

EDWD. STANTON.

*No. 13.—Sir J. Pauncefote to Mr. Cookson.*

SIR,

*Foreign Office, July 12, 1876.*

I AM directed by the Earl of Derby to transmit to you the accompanying copy of a despatch from Her Majesty's Consul at Jeddah\* respecting the introduction of cargoes of slaves into that port in open daylight by buggalows under Turkish cloours.

There is every reason to believe that these slaves come from the Egyptian coast of the Red Sea, and I am accordingly to instruct you to address a strong remonstrance to the Egyptian Government upon this subject, and to point out to them that their authorities have openly violated their instructions in permitting the export of slaves from Egyptian territory. I am, &c.,

*Chas. A. Cookson, Esq.*

JULIAN PAUNCEFOTE.

*No. 14.—Mr. Cookson to the Earl of Derby.—(Received August 1.)*

MY LORD,

*Alexandria, July 22, 1876.*

I HAVE the honour to acknowledge your Lordship's despatch of the 12th instant, inclosing a copy of a report from Her Majesty's

Consul at Jeddah respecting the introduction of slaves into that port, and instructing me, as there is reason to believe that these slaves come from the Egyptian coast, to address a strong remonstrance to the Egyptian Government on the subject.

In obedience to your Lordship's instructions I have addressed to Chérif Pasha the letter of which a copy is inclosed.

I may be allowed to explain that the particulars in my letter as to the supposed road taken by the slave-dealers are derived partly from private information and partly from a letter published in the "Anti-Slavery Reporter" of 1st instant (Volume 20, No. 4, page 82).

I have, &c.,

*The Earl of Derby.*

CHAS. A. COOKSON.

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*(Inclosure.)—Mr. Cookson to Chérif Pasha.*

M. LE MINISTRE,

*Alexandria, July 22, 1876.*

I HAVE the honour to inform your Excellency that I have received instructions from Her Majesty's Government to address to the Egyptian Government a strong remonstrance against an alleged violation of their instructions by the local authorities on the coast of the Red Sea in having permitted the export of slaves from Egyptian territory.

It appears from the report made by Her Majesty's Consul at Jeddah to Lord Derby that buggalows under Turkish colours openly enter the port of Jeddah in broad daylight and land cargoes of slaves; and there is every reason to believe from information received from several quarters that these cargoes of slaves having been brought from the western frontiers of Abyssinia up the Nile, a little above or below Khartoum, are thence driven across the country to some point on the coast between Suakim and Massowah, and there embarked, apparently with the connivance of Egyptian officials.

I doubt not that your Excellency will duly appreciate the gravity of these facts, and how much such conduct is calculated to neutralize the efforts which His Highness is making in other quarters to suppress the Slave Trade; and that immediate steps will in consequence be taken to exact from all naval and military authorities of the Egyptian Government in those parts the strictest vigilance in the execution of their orders, as well as to bring to justice any who may be convicted of violation of their duty in this respect.

I have, &c.,

*Chérif Pasha.*

CHAS. A. COOKSON.

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*No. 18.—Mr. Vivian to the Earl of Derby.—(Received November 20.)*

MY LORD,

*Cairo, November 10, 1876.*

I HAVE the honour to inform your Lordship that on the 8th instant I received information through Her Majesty's Vice-Consul

here, that slaves had recently been brought to several dépôts in Cairo, which were indicated to me, for the purpose of traffic.

I immediately conveyed this information to the Minister for Foreign Affairs, who obtained the Khedive's order to have the places which I had indicated searched by the police, the slaves liberated, and the persons in charge of them duly punished.

I have not yet heard the result of these steps.

I have, &c.,

*The Earl of Derby.*

C. VIVIAN.

*No. 19.—Mr. Vivian to the Earl of Derby.—(Received November 20.)*

MY LORD,

*Cairo, November 12, 1876.*

WITH reference to my despatch of the 10th instant, I have the honour to inform your Lordship that the search made by the police at the places I had indicated to Chérif Pasha and at other houses resulted in the discovery of about 40 slaves, supposed to be intended for sale, who, with the persons in charge of them, are now in the hands of the police, awaiting a regular inquiry.

I have, &c.,

*The Earl of Derby.*

C. VIVIAN.

*No. 20.—Mr. Vivian to the Earl of Derby.—(Received November 26.)*

MY LORD,

*Cairo, November 17, 1876.*

I HAVE the honour to transmit to your Lordship a copy of a note which, in obedience to the instructions conveyed in your Lordship's despatch of the 31st ultimo, I have addressed to Chérif Pasha upon the subject of the Traffic in Slaves from the port of Zeyla.

I have, &c.,

*The Earl of Derby.*

C. VIVIAN.

*(Inclosure.)—Mr. Vivian to Chérif Pasha.*

M. LE MINISTRE,

*Cairo, November 16, 1876.*

IN obedience to orders from my Government, I am compelled to ask your Excellency to call the serious attention of the Khedive to the existence of a considerable Traffic in Slaves between the port of Zeyla and ports on the east coast of the Red Sea.

It is alleged that this clandestine traffic is carried on not altogether without the knowledge of the local authorities, and that two months ago a cargo of 300 slaves was at Zeyla awaiting shipment to Hodeida, Jeddah, and Suez.

Her Majesty's Government have desired me, in bringing these facts to the knowledge of the Khedive, to express their great regret and disappointment at learning that the Traffic in Slaves should still continue to this extent at a port brought under Egyptian control,

and their hope that prompt measures will be taken to put an end to it.

I have, &c.,

*Chérif Pasha.*

C. VIVIAN.

*No. 22.—Mr. Vivian to the Earl of Derby.—(Rec. December 9.)*

MY LORD,

*Cairo, November 30, 1876.*

WITH reference to your Lordship's despatch of the 31st ultimo, and to my reply of the 17th instant, I have the honour to report that, in consequence of my representations based upon Vice-Consul Wylde's reports of the active prosecution of the Slave Trade from the Egyptian ports in the Red Sea, the Khedive has determined to send an officer at once to organize a special service of surveillance over the coasts and ports to which his attention has been directed.

He has selected Captain McKillop for this duty.

Captain McKillop says with much truth that it is highly improbable that the local authorities will allow this Traffic to go on from their ports whilst he is on the coast, and he anticipates little success from his mission unless he is allowed to seize slavers at sea.

It is due to the Khedive to say that he repudiates all knowledge of the existence of this Traffic to such an extent, and is disposed to think it is much exaggerated; and he is anxious to show his readiness to keep his engagements for the suppression of the Slave Trade.

I have, &c.,

*The Earl of Derby.*

C. VIVIAN.

*No. 23.—Mr. Vivian to the Earl of Derby.—(Rec. December 16.)*

(Extract.)

*Cairo, December 8, 1876.*

I REGRET to say that from various quarters reports reach me of the existence of Slave Trade on a large scale within Egyptian territory, especially in the remote parts that are more removed from the eyes of foreigners.

Along the whole Egyptian line of coast on the Red Sea, and in the equatorial provinces, which the Viceroy professes to be opening to civilization, accounts concur in establishing as a fact that an organized system of slave-trading and slave-hunting is being carried on, with the knowledge and even with the connivance of the local authorities, notwithstanding the promises and alleged orders of the Khedive to the contrary.

From Zeyla and all the Red Sea ports the export of slaves under the eyes of the Egyptian authorities amounts, according to the calculation of Mr. Wylde, Her Majesty's Vice-Consul at Jeddah, to 30,000 annually; and the existence of Slave Trade on a large scale at Zeyla, and the connivance thereat of the Emir Abou Bekr, are corroborated by M. Arnoux, and by reports that the Foreign Office have received from Aden.



From the equatorial provinces I have received reports from a trustworthy source that impress me still more strongly with their truth.

*The Earl of Derby.*

C. VIVIAN.

*No. 24.—The Earl of Derby to Mr. Vivian.*

SIR,

*Foreign Office, December 19, 1876.*

WITH reference to your despatch of the 30th ultimo, I have to request that you will express to His Highness the Khedive the satisfaction felt by Her Majesty's Government at the steps taken by His Highness to suppress slave-trading from Egyptian ports in the Red Sea.

I am, &c.,

*Hon. H. C. Vivian.*

DERBY.

## FRANCE.

*No. 28.—Lord Lyons to the Earl of Derby.—(Received June 7.)*

MY LORD,

*Paris, June 6, 1876.*

WITH reference to Mr. Adams' despatch of the 18th ultimo, I have the honour to transmit to your Lordship a copy of a note from the Duc Decazes stating that the attention of the Governor of Réunion and of the Commander-in-chief of the French squadron in the Indian Ocean will be called to the facts relative to the Slave Traffic under the French flag, which are stated in the extract from a despatch from Mr. Consul Elton,\* which is inclosed in your Lordship's despatch of the 16th ultimo.

I have, &c.,

*The Earl of Derby.*

LYONS.

*(Inclosure.)—The Duc Decazes to Mr. Adams:*

M. LE MINISTRE,

*Versailles, le 2 Juin, 1876.*

JE me suis empressé de communiquer à mon collègue M. le Ministre de la Marine les informations que vous m'avez fait l'honneur de m'adresser à la date du 18 Mai dernier, et d'après lesquelles des trafiquants d'esclaves à la Côte Orientale d'Afrique se couvriraient de notre pavillon pour s'y livrer impunément à des opérations de traite signalées par le Consul de Sa Majesté Britannique à Mozambique.

M. l'Amiral Fourichon appellera sur ces faits l'attention de M. le Gouverneur de la Réunion et celle du Commandant-en-chef de notre division navale dans l'Océan Indien; il saisira en même temps cette occasion pour renouveler les instructions déjà transmises aux officiers

de nos stationnaires et qui leur prescrivent de redoubler de surveillance dans ces parages, pour prévenir le retour de ces coupables abus.

Agreez, &c.,

F. O. Adams, Esq.

DECAZES.

No. 31.—*Lord Lyons to the Earl of Derby.*—(Received July 5.)

MY LORD,

Paris, July 4, 1876.

WITH reference to your Lordship's despatches of the 16th May last and of the 19th ultimo, to Mr. Adams' despatch of the 18th May, and to my despatch of the 21st ultimo, I have the honour to transmit to your Lordship a copy of a note from the Duc Decazes, stating that, in consequence of the communication made to him by this Embassy respecting the abuse of the French flag by traders in slaves on the East Coast of Africa, fresh instructions have been sent to the commander of the French squadron in the Indian Ocean and to the Governor of Réunion.

I have, &c.,

The Earl of Derby.

LYONS.

(Inclosure.)—*The Duc Decazes to Lord Lyons.*

M. L'AMBASSADEUR,

Versailles, le 1<sup>er</sup> Juillet, 1876.

VOUS m'avez fait l'honneur de m'écrire le 18 Mai et le 21 Juin pour me communiquer des extraits de différents rapports récemment adressés au Gouvernement Anglais par le Consul de la Reine à Mozambique et destinés à signaler l'abus que feraient de notre pavillon des trafiquants d'esclaves de la Côte d'Afrique. M. le Ministre de la Marine, à qui je me suis empressé de transmettre ces documents, m'annonce qu'il vient d'en envoyer copie à M. le Commandant-en-chef de notre division navale de l'Océan Indien et à M. le Gouverneur de la Réunion. M. l'Amiral Fourichon insistera, à cette occasion, sur les instructions spéciales déjà données aux Commandants de nos stationnaires dans ces parages et leur prescrira de redoubler de surveillance pour prévenir le renouvellement de semblables fraudes.

Agreez, &c.,

Lord Lyons.

DECAZES.

No. 33.—*Lord Lyons to the Earl of Derby.*—(Received August 2.)

MY LORD,

Paris, August 1, 1876.

I HAVE the honour to inform your Lordship that I have this day addressed a note to the French Government in the terms of your Lordship's despatch of the 29th ultimo, directing me to communicate to that Government the statement respecting a dhow under French colours contained in Dr. Kirk's report to your Lordship of the 18th of May last.\*

I have, &c.,

The Earl of Derby.

LYONS.

\* Page 458.

*No. 34.—The Earl of Derby to Lord Lyons.*

MY LORD,

*Foreign Office, November 14, 1876.*

I TRANSMIT herewith, for your Excellency's information, copy of a despatch from Her Majesty's Minister at Rio de Janeiro respecting the alleged transport of slaves for sale by foreign steam-ship companies from one Brazilian port to another.\*

I have to request that your Excellency will make inquiries of the French Government with the view to ascertain whether French vessels are allowed to transport slaves for sale from one part of the Brazilian Empire to another, it having come to the knowledge of Her Majesty's Government that a Traffic in Slaves is thus carried on by vessels under French colours.

Your Excellency will add that on Her Majesty's Government being informed that slaves were similarly carried in vessels of British nationality, immediate steps were taken to put a stop to that practice.

I am, &amp;c.,

*Lord Lyons.*

DERBY.

*No. 35.—Lord Lyons to the Earl of Derby.—(Rec. November 18.)*

MY LORD,

*Paris, November 18, 1876.*

I HAVE the honour to inclose a copy of a note in which, in obedience to the instruction conveyed to me by your Lordship's despatch of the day before yesterday, I have inquired of the French Government whether French vessels are allowed to transport slaves for sale from one part of the Brazilian Empire to another.

I have, &amp;c.,

*The Earl of Derby.*

LYONS.

*(Inclosure).—Lord Lyons to the Duc Decazes.*

M. LE MINISTRE,

*Paris, November 16, 1876.*

It has been represented to Her Majesty's Government that a Traffic in Slaves is carried on by vessels under French colours in the Empire of Brazil, and, in fact, that slaves for delivery or sale are conveyed in such vessels from one part of that Empire to another.

Her Majesty's Government have, in consequence, directed me to inquire of the French Government whether French vessels are allowed to transport slaves for sale from one part of the Brazilian Empire to another.

On being informed that slaves were similarly carried in vessels of British nationality, Her Majesty's Government took immediate steps to put a stop to the practice.

I have the honour to request your Excellency to give me the

information sought by Her Majesty's Government, and to accept, &c.,

*The Duc Decazes.*

LYONS.

*No. 37.—The Earl of Derby to Lord Lyons.*

MY LORD, *Foreign Office, December 7, 1876.*

WITH reference to my despatch of the 14th ultimo, I transmit herewith copy of a further despatch from Her Majesty's Minister at Rio de Janeiro,\* from which your Excellency will perceive that a stop has been put to the practice of carrying slaves for sale under French colours on the coast of Brazil.

I am, &c.,

*Lord Lyons.*

DERBY.

*No. 39.—The Earl of Derby to Lord Lyons.*

MY LORD, *Foreign Office, December 20, 1876.*

I TRANSMIT to your Excellency herewith a printed copy of a despatch from Her Majesty's Agent and Consul-General at Zanzibar respecting the removal of certain slaves from a French dhow by order of the Acting French Consul at that place, and their subsequent emancipation;† and I have to request that in communicating the substance of Dr. Kirk's report to the French Government, you will express to them the acknowledgments of Her Majesty's Government for the ready co-operation afforded in this case by M. de Gaspary, with the view to prevent Slave Traffic being carried on under the French flag.

I am, &c.,

*Lord Lyons.*

DERBY.

*No. 44.—Lord Lyons to the Earl of Derby.—(Rec. Dec. 27.)*

MY LORD, *Paris, December 24, 1876.*

IN his despatch of the 18th May last, Mr. Adams reported to your Lordship that he had on that day, in obedience to your orders, communicated to the French Government an extract from a despatch from Her Majesty's Consul at Mozambique relating to the abuse of the French flag for slave-trading purposes on the East Coast of Africa, and in particular to the alleged transportation of slaves from that coast and from Madagascar to Réunion on board French vessels.

In my despatches of the 6th June and 4th July last I had the honour to transmit to your Lordship copies of notes from the Duc Decazes referring to that communication.

I have now the honour to send to your Lordship copies of a further note and inclosures on the subject which I received from his Excellency last night.

\* Page 347.

† Page 472.

The inclosures are reports from French authorities in Réunion denying that slaves have been brought to the island, and stating that precautions have been taken to prevent any abuse of the kind.

I have, &c.,

*The Earl of Derby.*

LYONS.

*(Inclosure 1.)—The Duc Decazes to Lord Lyons.*

M. L'AMBASSADEUR,

*Versailles, le 20 Décembre, 1876.*

PAR une lettre en date du 18 Mai dernier vous m'avez fait l'honneur d'appeler mon attention sur des opérations de traite qui se poursuivraient à la Côte Orientale d'Afrique et sur l'abus que les trafiquants d'esclaves feraient du pavillon Français pour tromper la surveillance des croiseurs Britanniques.

M. le Ministre de la Marine, à qui j'ai transmis ces renseignements, vient de me communiquer aujourd'hui les différentes pièces de l'enquête à laquelle se sont livrées les autorités coloniales de la Réunion. Je m'empresse de vous les adresser ci-jointes, et il en résulte, ainsi que vous pourrez vous en rendre compte, que les faits dont il s'agit ne sont parvenus à la connaissance du Gouvernement de St. Denis. Vous verrez toutefois que, dans l'opinion de M. Faron, les officiers de Sa Majesté Britannique auraient peut-être pu se méprendre sur le véritable caractère d'un mouvement d'émigration qui s'est établi entre plusieurs points de la Côte Occidentale de Madagascar et St. Denis, les Malgaches de Tullear et de St. Augustin profitant volontiers des navires qui desservent le commerce local pour abandonner leur pays et venir chercher à la Réunion des ressources qu'ils ne trouvent pas chez eux.

Les ordres les plus formels n'en ont pas moins été donnés pour prévenir toute tentative de fraude du genre de celles que votre Excellence m'a signalées et pour que la plus sévère surveillance soit exercée sur les bâtiments à destination de notre Colonie.

Agréés, &c.,

*Lord Lyons.*

DECAZES.

*(Inclosure 2.)—M. Faron to the Minister of Marine and of the Colonies.*

M. LE MINISTRE,

*Saint Denis, le 27 Octobre, 1876.*

J'AI l'honneur de vous transmettre, ci-joints, les seuls renseignements qu'il m'ait été possible de me procurer jusqu'à ce jour, sur l'objet de la communication que vous avez bien voulu me faire d'un rapport de M. le Consul de Sa Majesté Britannique à Mozambique au sujet d'opérations de traite qui auraient eu lieu à la Côte Orientale d'Afrique, sous pavillon Français et à destination de la Réunion.

J'ai recommandé de la manière la plus formelle à M. le Directeur de l'Intérieur de faire surveiller avec soin toute tentative de traite ou toute fraude de travailleurs qui pourrait avoir lieu à l'Île de la Réunion, et, si des actes de cette nature venaient à ma connaissance, je ne manquerais pas de les faire poursuivre avec rigueur.

Agréé, &c.,

FARON.

(Inclosure 3.)—*M. de Lormel to M. Faron.*

M. LE GOUVERNEUR,

St. Denis, le 13 Août, 1876.

SON EXCELLENCE le Ministre de la Marine et des Colonies a transmis à l'administration locale une lettre du Ministre des Affaires Étrangères et différents documents émanant du Foreign Office, relatifs à des opérations de traite qui se feraient à la Côte Orientale d'Afrique.

J'ai l'honneur de placer sous vos yeux copie d'une lettre écrite par l'un de vos prédécesseurs au Département, en Juin 1873, au sujet, non des opérations de traite à la Côte Orientale d'Afrique, dont nous ignorions l'existence, mais des introductions de Malgaches de Tullear, St. Augustin, et la côte ouest de Madagascar, par quelques navires du commerce local. Dès cette époque les ordres les plus précis ont été donnés pour restreindre ces introductions aux plus étroites limites. D'autre part, le commerce local a été averti, en même temps, d'avoir à les restreindre dans les limites tracées.

Je ne saurais trop insister sur ce point, M. le Gouverneur, que les Malgaches qui viennent ici le font de leur propre mouvement. Ce ne sont pas des esclaves, mais des hommes libres, émigrant de leur pays pour se procurer un bien-être et des ressources qu'il ne leur offre pas. Ce but une fois atteint, ils retournent à Madagascar avec le pécule qu'ils ont amassé.

Quant aux opérations de traite qui se feraient à la Côte Orientale d'Afrique, je ne crains pas d'affirmer qu'il n'est pas à ma connaissance qu'un seul navire ait introduit ici des Africains provenant d'un trafic, ou recrutés sur la Côte d'Afrique.

Veuillez, &c.,

M. Faron.

DE LORMEL, *Directeur de l'Intérieur.*

(Inclosure 4.)—*The Governor of Réunion to the Minister of Marine and the Colonies.*

M. LE MINISTRE,

St. Denis, le 26 Juin, 1878.

LES NAVIRES du commerce local opérant à la côte ouest de Madagascar, notamment à Tullear Bay, ont l'habitude, depuis plusieurs années, de prendre sur ce point d'amener à la Réunion, en vertu

d'une tolérance accordée par mes prédécesseurs, un certain nombre de Malgaches, qui, à leur arrivée à St. Denis, contractent, par devant les autorités compétentes, un engagement de travail de dix ans. Ces hommes ont toujours été embarqués et considérés comme des passagers ordinaires.

En effet, tous déclarent à leur arrivée venir volontairement à la Réunion pour y amasser un pécule et retourner ensuite dans leur pays, et j'ai pu constater que leur repatriement s'effectuait régulièrement par les navires qui s'expédient de la Réunion pour la côte ouest. D'un autre côté, les soins à donner à la cargaison, qui comprend toujours un assez grand nombre d'animaux exportés de Madagascar, justifient la présence à bord de quelques hommes en plus des équipages, toujours fort peu nombreux et limités au chiffre de matelots strictement nécessaires à la manœuvre.

Ces considérations avaient conduit mes prédécesseurs à tolérer, dans une limite assez restreinte, ces introductions, sans voir dans cette tolérance une dérogation aux prescriptions formelles qui interdisent toute introduction de la Côte d'Afrique ou de Madagascar.

Mais comme il était à craindre que cette tolérance ne dégénérât en abus j'ai ramené à quatre ou cinq au plus, le nombre de Malgaches que chaque navire pourrait introduire de la côte ouest, sous la condition formelle, d'ailleurs, que ces hommes déclareront devant le Commissaire d'Immigration qu'ils viennent de leur plein gré, et contracteront des engagements en la forme réglementaire. On évitera ainsi, au moyen de ces mesures, toute supposition de recrutement et d'immigration irréguliers.

## GERMANY.

*No. 45.—Lord Odo Russell to the Earl of Derby.—(Rec. Dec. 12.)*

MY LORD,

*Berlin, December 6, 1876.*

ON the receipt of your Lordship's despatch of the 14th ultimo,\* I lost no time in addressing a note to Herr von Bülow, pointing out to his Excellency that the attention of Her Majesty's Government had been drawn to the fact that a Traffic in Slaves was being carried on by vessels under the German flag between different ports of the Empire of Brazil.

I inquired of his Excellency whether German vessels were allowed to engage in such Traffic, and added that on Her Majesty's Government being informed that slaves were similarly carried in

\* See No. 34, page 354.

vessels of British nationality, immediate steps were taken to put a stop to the practice.

I have now received in reply a *Pro-Memoria* from Herr von Bülow, translation of which I have the honour to inclose, from which your Lordship will gather that instructions have been already sent to the German steam-boat companies to abstain from carrying slaves, and that the attention of the Imperial Consuls has been again called to the subject.

I have, &c.,

*The Earl of Derby.*

ODO RUSSELL.

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(*Inclosure.*)—*Pro-Memoria*.

(Translation.)

TOWARDS the close of the year 1873 a few cases occurred in which vessels belonging to a German Steam Navigation Company took part in the transport of slaves from the northern to the southern provinces of Brazil, which had previously only been carried on under other flags.

This proceeding could not be considered a Slave Trade operation in the sense of the existing Treaties, for apart from other reasons which show that the Treaty stipulations are not applicable, it only involved the transport of individuals already in a state of slavery, and that within dominions in which slavery is still legally permitted.

The penal laws in Germany were also considered not to be applicable to these cases. This did not, however, prevent the German Government from forbidding the shipmasters of the company in question to take part in future in similar transports, as being incompatible with the honour of the German flag, and in spite of their protesting that they had not shipped, conveyed, or treated the slaves as such, but as ordinary passengers.

According to reports from the German Consuls in Brazilian ports, whose duty it then became to pay special attention to the observance of this prohibition, such cases were from that time not repeated, until a few months ago the Imperial Consulate at Rio de Janeiro was informed that two vessels belonging to another German Steam Navigation Company had arrived from Bahia, the one with 10 the other with 27 slaves on board. On inquiry being made it appeared that the persons in question had not been shipped as slaves but as between-deck passengers, and each one of them provided with a ticket made out in his name. The captains of vessels of this company have in the meantime been ordered to abstain for the future from taking any part whatever in the transport of slaves.

This opportunity has likewise been taken to renew the instruc-



tions to the Imperial Consuls to pay special attention to this question.

*Berlin, December 1876.*

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## MADAGASCAR.

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*No. 49.—Consul Pakenham to the Earl of Derby.—(Received February 5, 1876.)*

MY LORD, *Madagascar, Tamatave, September 28, 1875.*

WITH reference to my despatch of the 11th instant,\* I have now the honour to submit, for your Lordship's information, the copy of a fourth despatch which I have considered it my duty to address to the Hova Chief Secretary of State on the subject of my previous complaint, and of further abuses which have come to my knowledge.

As will be seen from the present inclosure, the Hova Chief Secretary of State has not yet replied to my previous letters respecting the Traffic in Slaves from beyond sea, proved to have been carried on at Antananarivo on the 30th ultimo.

I venture to submit that this silence on the part of the Chief Secretary would appear to be conclusive evidence of his participation in the slave-dealings referred to; for if he had nothing to fear from the inquiry claimed by me, he would naturally have granted it, since its immediate effect would have been to disprove all connivance of the Hova authorities in regard to the slave-dealings complained of.

Under these circumstances I beg respectfully to submit for your Lordship's favourable consideration the desirability, as it appears to me, of my being authorized to demand from the Hova Government full explanations in regard to the late proceedings of their Chief Secretary of State.

I have, &c.,

*The Earl of Derby.*

T. C. PAKENHAM.

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*(Inclosure.)—Consul Pakenham to the Chief Secretary of State.*

SIR, *Madagascar, Tamatave, September 28, 1875.*

I HAVE the honour to remind your Excellency that on the 30th of last month Mozambique slaves in considerable numbers were pointed out to the Hova Government at Antananarivo, as having been introduced into the capital contrary to the Treaty concluded between their Majesties the Queens of Great Britain and Madagascar on the 27th June, 1865.†

I addressed your Excellency on this subject on the 10th and 11th instant.‡ But up to the present date I have not yet received

\* Vol. LXVI. Page 786.

† Vol. LV. Page 19.

‡ Vol. LXVI. Pages 787 and 788.

any reply to my letters, nor any communication whatever from your Excellency offering explanations in regard to the grave infractions of the British Treaty committed lately under the very eyes of the Hova Government at Antananarivo.

It would be idle for me to decline the belief that it is practically impossible that the Arab slave-dealers with their Mozambique slaves can have entered the capital without the full knowledge of the local authorities, since it is public and notorious that no stranger whatever—much less any number of strangers—can enter the city gates without the full knowledge of the guards at such gates; and as a rule the admission of all parties arriving is entirely dependent on and subject to the will of the officers to whom the custody of the capital may be temporarily confided.

Whilst on this subject, as I have nothing whatever to conceal from the Hova Government, I beg to state that I have good grounds for believing that the number of Mozambique slave children lately found at the capital form but a very small portion of those lately introduced and admitted there in utter defiance of the Treaty engagements for the suppression of the Slave Trade entered into between our respective Governments as far back as 1865.

I am credibly informed by a very respectable European, who cannot have any interest in misleading me, that very lately he saw on the south side of Andahalo at Antananarivo, a whole district entirely inhabited by Arabs, having in their possession large numbers of Mozambiques, who could scarcely any of them speak a word of Malagasy. I am further informed that the country-house of a very high officer (whose name I will not at present mention) close to the capital was occupied by Arab slave-dealers with their Mozambique slaves. I am also assured by another party that in the interior of the country, lying between the west coast and the capital, he came across considerable numbers of Mozambique slaves, who were bound, and who claimed his protection, alleging that they had been introduced into Madagascar since the conclusion of the British Treaty and had been subjected to the treatment they were then undergoing at the hands of the Hovas simply and solely because they had claimed their freedom under the provisions of the Royal Edict of October 2, 1874.\*

Under the circumstances aforementioned, and in presence of your Excellency's failure to accede to my demand for a full and searching inquiry at Tamatave into the grave infractions of the British Treaty reported by me to your Excellency on the 10th and 11th instant as having lately occurred at Antananarivo, I beg most solemnly to protest against the delay which has occurred in dealing

with the very grave questions now pending, and above all against your Excellency's failure to report to me a kabar in which the British Government is so deeply interested.

I remain, &c.,

*The Chief Secretary of State.*

T. C. PAKENHAM.

*No. 51.—Mr. Lister to Consul Pakenham.*

SIR,

*Foreign Office, February 24, 1876.*

I AM directed by the Earl of Derby to transmit to you the accompanying copies of a letter and its inclosures addressed to the Lords of the Admiralty by Rear-Admiral Macdonald, Commander-in-chief in the East Indies,\* respecting an attack on the launch of Her Majesty's ship *Thetis* by armed Sakalavas in the Nossumbelava River, Madagascar, whilst she was engaged in the suppression of the Slave Trade in September last, and the subsequent operations of the boats of that ship and of Her Majesty's ship *Flying Fish*.

In communicating to the Hova Government such portions of the accompanying papers as you may consider necessary for their information in regard to the facts of this case, you will inquire whether they consider the Sakalavas to be under their jurisdiction, and whether they will undertake to prevent a repetition of similar attacks on the boats of Her Majesty's ships, as it will be necessary that Her Majesty's Government should know to whom they are to look for redress should British boats be attacked without provocation whilst in discharge of their duties.

I am, &c.,

*T. C. Pakenham, Esq.*

T. V. LISTER.

*No. 52.—Consul Pakenham to the Earl of Derby.—(Rec. April 8.)*

MY LORD,

*Madagascar, Tamatave, February 21, 1876.*

I HAVE to report, for your Lordship's information, that the French schooner *Africa* has lately been discovered by the French authorities at Nossi Bé, west coast of Madagascar, to have been engaged in the Slave Trade, and that this vessel has been sent to Réunion, where, I am assured, Captain Allard is being prosecuted criminally by the Procureur de la République.

It would appear that the *Africa* is a new vessel belonging to Bordeaux, partly owned by Captain Allard, and that she was sent out to these waters purposely to be engaged in the Slave Trade.

I have, &c.,

*The Earl of Derby.*

T. C. PAKENHAM.

No. 55.—*Consul Pakenham to Lord Tenterden.*—(Rec. June 22.)

MY LORD,

*Madagascar, Tamatave, April 3, 1876.*

I HAVE the honour to acknowledge the receipt, on the 17th ultimo, of your Lordship's despatch dated December 22, 1875, transmitting to me, by direction of the Earl of Derby, the copy of a despatch from Her Majesty's Agent and Consul-General at Zanzibar, reporting certain information in regard to the alleged emancipation of slaves by the Hova Governor at Majunga, and instructing me to make inquiries as to the truth of these statements.

In reply, I beg, in the first place, to submit that there appears to be great confusion as to dates in Dr. Kirk's despatch, as I know of no Proclamation on the subject of emancipation issued by the Queen of Madagascar except Her Majesty's Proclamation, not of the 24th October, 1875, but of the 2nd October, 1874,\* a copy of which latter was forwarded in my despatch to the Earl of Derby of the 2nd November, 1874.†

Secondly, I beg to represent that the emancipation demonstration got up by the Hova Commandant of Majunga during the *Medina's* stay at that port was, in my opinion, organized simply to create in Captain Hansard's mind the impression which it appears to have produced—that the authorities were carrying out in good faith their Treaty engagements; as, since the *Medina's* visit to Majunga, the Hova slave-dealers have transferred the seat of their operations to Anorontsangana on the west coast of Madagascar, latitude 13° 54' south, longitude 48° east (Greenwich).

I therefore apprehend that there is no reason whatever to believe that either the Hova Commandant at Majunga or any other Hova officer on the coast of Madagascar has ever caused a single slave to be emancipated. On the contrary, I feel sure that all Hova officials who reside or are in authority on the coast of Madagascar, and a considerable number of the chief officers at Antananarivo, are deeply interested in the Slave Traffic at present carried on in Madagascar.

In conclusion, I beg herewith to submit, for the information of the Earl of Derby, an extract from the "Antananarivo Annual and Madagascar Magazine for 1875," published in January last, from which it will be seen that the participation of high Hova officers in the Slave Traffic carried on on the west coast of Madagascar is an ascertained fact, and this information, coming as it does from members of the London Missionary Society's Mission at Antananarivo, is, in my opinion, worthy in every respect of credence.

I have, &c.,

*Lord Tenterden.*

T. C. PAKENHAM.

\* Vol. LXV. Page 569.

† Vol. LXV. Page 568.

(Inclosure.)—*Extract from the "Madagascar Magazine."*

No. 56.—*Consul Pakenham to the Earl of Derby.*—(Rec. June 22.)

MY LORD, *Madagascar, Tamatave, April 3, 1876.*

I HAVE the honour to submit, for your Lordship's information, that since the British mail-steamers have called periodically at Majunga, on the west coast of Madagascar, the Hova slave-dealers have transported the seat of their operations to Anorontsangana, latitude 13° 54' south, longitude 48° east (Greenwich), and I beg to inclose, herewith, a copy of the report which I have addressed to Rear-Admiral Macdonald on the subject.

I have, &c.,

*The Earl of Derby.*

T. C. PAKENHAM.

(Inclosure.)—*Consul Pakenham to Rear-Admiral Macdonald.*

SIR, *Madagascar, Tamatave, February 15, 1876.*

I HAVE the honour to report, for your Excellency's information, that Anorontsangana, on the west coast of Madagascar, latitude 13° 54' south, longitude 48° east (Greenwich), has now become a regular slave-depôt for Mozambique slaves newly introduced into Madagascar, in defiance of the provisions of our Treaty concluded with the Hova Government on the 27th June, 1865.

It is impossible to believe that the extensive Slave Trade now carried on at that port can be so without the full connivance of the Hova authorities, as well at Anorontsangana as Antananarivo, and in support of this view I beg to inclose, for your Excellency's information, the copy of a recent publication in the London Missionary Society's Magazine, containing statements on the subject, which I consider to be perfectly true, and which are the more important owing to the well-known fact that the London Missionary Society's missionaries in Madagascar are in the habit of concealing rather than exposing the shortcomings of the present Hova Government.

I have, &c.,

*Rear-Admiral Macdonald.*

T. C. PAKENHAM.

No. 58.—*Consul Pakenham to the Earl of Derby.*—(Rec. June 22.)

MY LORD, *Madagascar, Tamatave, April 20, 1876.*

I HAVE the honour to acknowledge the receipt of Mr. Lister's despatch dated the 24th January, with inclosures, reporting the unprovoked attack on the boats of Her Majesty's ships-of-war *Thetis* and *Flying Fish*, on the Nossumbelava River, by armed Sakalavas, and further instructing me to address certain representations to the Hova Government on the subject of this outrage.

In reply I beg most respectfully to submit that in obedience to your Lordship's instructions I have addressed a note to the Hova

Government on the subject, a copy of which I beg herewith to inclose.

I have, &c.,

*The Earl of Derby.*

T. C. PAKENHAM.

(Inclosure.)—*Consul Pakenham to the Chief Secretary of State.*

SIR,

*Madagascar, Tamatave, April 20, 1876.*

UNDER instructions from the Earl of Derby I have the honour to report, for the information of Her Majesty the Queen of Madagascar and the Hova Government, that on the 25th of September last the boats of Her Britannic Majesty's ship *Thetis*, whilst cruising in the Nossumbelava River, latitude 16° 35' south, longitude 44° 31' east, in the performance of their duties for the suppression of the Slave Trade, and without having given the least provocation, were treacherously attacked and fired upon by armed Sakalavas. That on the 7th October following, the cutter and gig of Her Britannic Majesty's sloop-of-war *Flying Fish*, and the cutter and cruising launch of Her Britannic Majesty's ship *Thetis*, under the command of the Senior Naval Officer on the station, were again fired upon at the same place by the natives, without, as before, the slightest provocation having been given for this treacherous attack.

I beg to inclose, herewith, the copy of a Proclamation\* which Captain Ward had posted up at the principal village in the vicinity of the attack.

And I have received the commands of Her Britannic Majesty's Government, in reporting the facts of this disgraceful outrage committed on boats belonging to Her Majesty's ships-of-war, whilst in the peaceful performance of their duties, under the right secured to them by the British Treaty, to inquire of and ascertain from the Hova Government whether they consider the Sakalavas to be under their jurisdiction, and whether they will undertake to prevent a repetition of similar attacks on the boats of Her Britannic Majesty's ships, as it becomes necessary for Her Britannic Majesty's Government to know to whom they have to look for redress, should British boats be attacked without provocation whilst in discharge of their duties.

I have only to add that the right of entry into all ports, rivers, and creeks within the dominions of Her Majesty the Queen of Madagascar is conceded to Her Britannic Majesty's ships-of-war and other vessels duly empowered under Article XVI of the British Treaty, and that, consequently, this right will be at all times maintained, and, if necessary, enforced.

Begging that I may be favoured with an early and explicit reply to the present note, I remain, &c.,

*The Chief Secretary of State.*

T. C. PAKENHAM.

No. 62.—*Consul Pakenham to the Earl of Derby.*—(Rec. August 16.)

MY LORD,

*Madagascar, Tamatave, June 2, 1876.*

WITH reference to my despatch of the 20th April, in which I had the honour to transmit, for your Lordship's information, a copy of my letter to the Hova Chief Secretary of State, containing representations in respect to the attacks on the boats of Her Majesty's ships *Thotis* and *Flying Fish*, in the Nossumbelava River, by armed Sakalavas, on the 25th September and 7th October of last year, I beg now to submit herewith translation of the Chief Secretary's reply to my letter on the subject.

I have, &c.,

*The Earl of Derby.*

T. C. PAKENHAM.

(Inclosure.)—*The Chief Secretary of State to Consul Pakenham.*

SIR,

(Translation.)

*Tananarivo, May 18, 1876.*

I beg to acknowledge the receipt of your letter of the 20th April, respecting Captain Ward's difficulty.

We are grieved to learn what has happened respecting the attack on Her Britannic Majesty's boats by bad people of savage disposition, whose acts are bad and wicked; and we are pleased with Captain Ward's proclamation against those bad people.

Madagascar truly belongs to Queen Ranavaloa, but there are in some parts of it brigands who attack even us Hovas when we pass through their districts, especially the Sakalavas; and therefore we are glad of Captain Ward's proclamation, and that he returned their fire from the boats in self-defence.

Whenever similar acts should be committed in the vicinity of a Hova military station, the Hova Governor should be informed, and he will hold an inquiry to discover the guilty parties; and if he does not do his duty in this respect, he will be severely punished.

In places where there are no Hova soldiers and brigandage is carried on, we shall not be displeased to see the brigands punished by the ship's boats, and this course, which was followed on the 25th September and 7th October, 1875, will also check the Slave Trade. For this is not a difference between our respective Governments, but a punishment inflicted on brigands, since such things cannot destroy our good understanding.

Long may you live. May God bless you, saith your friend,

RAINIMAHARAVO, *Chief Secretary of State.*

## PERSIA.

No. 68.—*Mr. Tylour Thomson to the Earl of Derby.*—(Rec. June 16.)

MY LORD,

*Tehran, May 17, 1876.*

I HAVE the honour to transmit herewith copy of a telegram forwarded to me by the officiating Resident in the Persian Gulf, reporting that the Persian Slave Commissioner and his assistants had been ordered to return to Tehran, together with a copy of my reply.

The officiating Resident is of opinion that there is no further necessity for the retention of this appointment, and by its abolition the annual payment of 150*l.* made by Her Majesty's Government to these Commissioners will cease to be made.

I have, &c.,

*The Earl of Derby.*

WM. TAYLOUR THOMSON.

(*Inclosure 1.*)—*Captain Prideaux to Mr. Tylour Thomson.*

(Telegraphic.)

*Bushire, May 6, 1876.*

PERSIAN Slave Commissioner informs me that he and his assistants have been ordered to proceed to Tehran. Can your Excellency inform me if it is intended to denounce Article XIII of the Treaty of 1857? There is no further necessity for the retention of this appointment.

(*Inclosure 2.*)—*Mr. Tylour Thomson to Captain Prideaux.*

SIR,

*Tehran, May 7, 1876.*

IN reply to your telegram of yesterday, I have to state that the reason assigned by the Persian Minister for Foreign Affairs for recalling the Persian Slave Commissioners from Bushire was that as their services had not been required for a considerable length of time in the Gulf, they had been instructed to return to Tehran with a view to financial economy.

The Persian Minister gave no indication of its being the intention of his Government to denounce Article XIII of the Treaty of 1857.

I am, &c.,

*Captain Prideaux.*

WM. TAYLOUR THOMSON.

No. 70.—*The Earl of Derby to Mr. Tylour Thomson.*

SIR,

*Foreign Office, June 22, 1876.*

WITH reference to your despatch of the 17th ultimo reporting the withdrawal of the Persian Slave Commissioner and his assistants from Bushire by order of the Persian Government, I have to state



to you that Her Majesty's Government learn with satisfaction that the officiating Resident at Bushire is of opinion that there is no longer any necessity for the retention of the appointments in question.

I have, however, to request that you will state to the Persian Government that Her Majesty's Government will expect that Slave Trade Commissioners shall be reappointed at Bushire in the event of circumstances rendering it necessary that such a step should be adopted.

I am, &c.,

*W. Taylour Thomson, Esq.*

DERBY.

## PERSIA (RESHT).

*No. 71.—Consul Churchill to the Earl of Derby.—(Rec. May 19.)*

MY LORD,

*Resht, April 10, 1876.*

ON his way through Resht, returning from Mekka, Prince Ferhad Mirza, uncle to His Majesty the Shah of Persia, brought with him in his suite three black slaves that he had bought in the holy city of Mohamed. Two of these had been mutilated, and they all came originally from the Zanzibar dominions, but they had remained long enough in Arabia to acquire a knowledge of the Arabic language. I am not aware of the exact price paid for them, but they cost him, said His Highness, much money, as slaves had risen in price since England had set her heart upon stopping the supply.

The introduction of slaves into Persia through Russian territory is a novel phase in this trade, but now that the Caucasus are likely to become the highway between Persia and Constantinople, it will not be a matter of rare occurrence to see slaves introduced into Persia by that route if something be not done to put a stop to it. The number of negroes to be met with, even in these northern latitudes of Persia, is surprising; they have hitherto been imported through the south of Persia and by Bagdad, and I make no doubt that vast numbers continue to be imported through the Persian Gulf by Muscat Arabs: but the fact that the Zanzibar slaves are to be found in the slave-markets at Mekka proves that the five or six Jeddah dhows that annually frequent the port of Zanzibar are not sufficiently watched, and that they still contrive to smuggle slaves out of the Zanzibar dominions, under the Turkish flag, and under the pretence of carrying on a legitimate trade between Zanzibar and the ports of the Red Sea.

I have, &c.,

*The Earl of Derby.*

HY. A. CHURCHILL.

## PORTUGAL.

*No. 78.—Mr. Jervoise to the Earl of Derby.—(Received January 28.)*

MY LORD,

*Lisbon, January 19, 1876.*

ACTING upon the instructions conveyed to Lord Lytton in your Lordship's despatch of the 3rd ultimo,\* I have the honour to transmit herewith, for your Lordship's information, a copy of a note which I have addressed to Senhor Corvo, relative to the working in the Province of Mozambique of the Portaria of the 25th October, 1870,† and to its inconsistency with the provisions of the Law of the 29th of April, 1875.‡

In this note I have embodied the remark contained in your Lordship's above-named despatch, accompanied by some observations derived from Mr. Consul Elton's reports to the Foreign Office, which appear calculated to arrest the attention of the Portuguese Government to the practical sanction given to the Slave Trade by the interpretation which has been placed on the Portaria of the 25th of October, 1870, by the authorities at Mozambique.

I have, &c.,

*The Earl of Derby.*

H. CLARKE JERVOISE.

*(Inclosure.)—Mr. Jervoise to Senhor Corvo.*

M. LE MINISTRE,

*Lisbon, January 17, 1876.*

IN compliance with instructions that have been received at this Legation from the Earl of Derby, I have the honour to request that your Excellency will permit me to call your attention to the practical working in the Province of Mozambique of the Portaria of the 25th October, 1870.†

According to recent information which has reached Her Majesty's Government, it would appear that this Portaria was still in force in the Portuguese possessions so late as the month of October in last year, notwithstanding the Law of the 29th of April, 1875‡ (published in the "Diario do Governo" of the 11th of the following month), whereby the servile condition specified in the Decree having the force of Law of the 25th February, 1869,§ is to be considered abolished, and those to whom it refers are to be declared free.

Two instances have been named in particular where it is stated that gangs of slaves have been brought down to Portuguese ports and then sold to the inhabitants, the one, as is said, having occurred at Quilimane at Christmas time in the year 1870, and the second in

\* Vol. LXVI. Page 808.

† Vol. LXVI. Page 815.

‡ Vol. LXVI. Page 212.

§ Vol. LX. Page 571.

the autumn of 1874, when slaves were reported to have been brought down to Mashesh—the Portuguese plantations opposite Inhambane—and bought by the inhabitants.

It appears that under the Portaria of the 25th October, 1870, it has been held in Mozambique that slaves can be legally bought from a dealer by Portuguese subjects, whose sole duty is forthwith to register them as “libertos.” Such an interpretation would involve the conclusion that a standing sanction is given to Slave Trade collection, with all its attendant miseries, in the interior of Africa. But such a conclusion is manifestly not in accordance with the well-known wishes of the Portuguese Government to combine its efforts with those of Her Majesty’s Government for the total suppression of Slave Traffic.

And I gladly avail myself, M. le Ministre, of this opportunity to allude, in confirmation of what I have just asserted, to recent reports which have reached Her Majesty’s Government testifying to the valuable aid received by Captain Ward, of Her Majesty’s ship *Thetis*, and by Her Majesty’s Consul at Mozambique, from his Excellency the Governor-General of that Province, from the Secretary-General, and from Senhor Valpassina, commanding the Portuguese gun-boat *Sena*, in an expedition undertaken last August to examine the Moma and Kissunge Rivers.

Such co-operation on the part of the Portuguese authorities with those of Her Britannic Majesty cannot fail to convince the slave-dealers that both Governments intend to use their best efforts conjointly for the extinction of the Slave Trade.

But, as I have been instructed to represent to your Excellency, and as I cannot doubt must be admitted by the Portuguese Government itself, the fact that it can be asserted (as it seems is the case under the Portaria of the 25th October, 1870) that Portuguese subjects are still allowed to purchase slaves, whether with a view of their manumission or for the purpose of utilizing their services, cannot fail to act as a direct encouragement to the slave-dealers, who will always be ready to supply slaves so long as the market for them remains open.

I should be glad, therefore, to learn from your Excellency, for the information of my Government, whether the Portaria of the 25th October, 1870, is still in force in the Portuguese Colonies, and if so, whether any steps will be taken by the Government of His Most Faithful Majesty to prevent any interpretation being placed upon the Portaria which is in contradiction to the spirit of the Law of the 29th of last April.

I avail, &c.,

Senhor Corvo.

H. CLARKE JERVOISE

No. 79.—*Mr. Jervoise to the Earl of Derby.*—(Received January 29.)

MY LORD,

Lisbon, January 19, 1876.

BEFORE leaving Lisbon, Lord Lytton placed in my hands the latest despatches of the Slave Trade series, which had recently been received at this Legation from the Foreign Office.

To-day being the first opportunity I have since had of meeting Senhor Corvo, I availed myself of it to speak with his Excellency generally on the information to be gathered from Mr. Consul Elton's reports to your Lordship.

I was glad to learn from Senhor Corvo that the Portuguese Government intend to increase the number of their vessels-of-war stationed on the East Coast of Africa for the suppression of the Slave Trade.

From the list of ships belonging to the Portuguese Navy at present stationed at Mozambique, which accompanied my despatch of the 18th instant, your Lordship will have learned that since last year the gun-boat *Douro* has been added to the three small steamers already despatched to that coast.

Senhor Corvo now informs me that two other vessels will shortly receive orders for the same destination, the one a gun-boat which is being built in England for this Government, and the other a larger vessel, I believe of the corvette class, named the *Duke of Terceira*.

In the course of our conversation I alluded to the satisfactory nature of the relations existing between the Portuguese civil and naval authorities at Mozambique on the one side and Her Majesty's Consul, Mr. Elton, and the commanding officer of Her Majesty's ship *Letis* on the other, as reported in Mr. Elton's despatch of the 18th of last September.

I stated to Senhor Corvo that I had addressed a note to his Excellency (a copy of which accompanies this despatch) detailing the good results which there were reasonable grounds for believing would ensue from the combined visit, in August last, of the boats of Her Majesty's ship *Thetis* and those of the Portuguese gun-boat *Sena* to the Rivers Moma and Kissunge; and I expressed the hope, on the part of Her Majesty's Government, that the Portuguese Government would be disposed to sanction a continuance of the joint action of the British and Portuguese naval forces in Portuguese waters for the suppression of the Slave Trade.

In reply, Senhor Corvo assured me earnestly that he lost no opportunity of repeating, in the strongest language, in the instructions sent to Mozambique, the desire of the Home Government that every effort should be employed for the destruction of the Slave Traffic; and that he felt certain that those instructions were conscientiously carried out by the Governor-General of that Province.

With reference to the desire expressed for "sanction to a continuance of the joint action of the British and Portuguese naval forces in Portuguese waters," his Excellency answered that it was necessary to be cautious, so as not to excite susceptibilities at home, but that objections would not be raised to such action where circumstances seemed to require it.

Your Lordship is aware of the extreme sensitiveness with which the Portuguese nation watch any semblance of encroachment upon, or interference with, their free action as an independent Power.

In view of Senhor Corvo's remarks I did not think it advisable to act upon Consul Elton's suggestion, by proposing to his Excellency that the Portuguese Government should grant permission to Her Majesty's ship *Thetis* and her boats to work for a period, to be limited by agreement, in Portuguese territorial waters on the East African Coast.

I have, &c.,

*The Earl of Derby.*

H. CLARKE JERVOISE.

(Inclosure.)—*Mr. Jervoise to Senhor Corvo.*

M. LE MINISTRE,

*Lisbon, January 18, 1876.*

I HAVE already had the honour to bring briefly under your Excellency's notice, in my note of the 17th instant, the satisfactory results of a combined expedition, under the sanction of the Governor-General of the Province of Mozambique, undertaken by Captain Ward, of Her Majesty's ship *Thetis*, in company with Senhor Valpassina, commanding the Portuguese gun-boat *Sena*, in the month of August last, for the purpose of examining the Moma and Kissunge Rivers.

Her Britannic Majesty's Consul, Mr. Elton, accompanied the expedition, and reports that although no slave-dhows were discovered, nor captures made, during the expedition, he is satisfied that a very great impression has been produced upon the slave-dealers by the combined action of the British and Portuguese authorities, civil as well as naval.

It was subsequently ascertained, moreover, from several independent sources of information, and confirmed at Mozambique, that two dhows from the Matarana had sighted the *Thetis* when lying at anchor off the river. They then bore up for the mouth of the Angoxa for information, when, on learning of this second combined examination of the rivers south of the Mozambique, they abandoned all idea of procuring slaves, and returned empty-handed to Madagascar.

Such testimony on the part of the slave-owners themselves cannot fail to produce a most salutary effect, as evidencing the determination of both Governments to use their best endeavours to stamp out the Slave Trade on the East Coast of Africa.

But many spots suspected of Slave Trade practices were left unvisited on this occasion ; and, in the opinion of those conversant with those regions, it is considered highly desirable that the work should be completed on some future occasion.

Her Majesty's Government have learned with great satisfaction the cordial co-operation which was accorded on this occasion to Her Majesty's officers by the Governor-General of the Province of Mozambique, by the Secretary-General, and by Senhor Valpassina, commanding the Portuguese gun-boat *Sena*.

The Governor-General appears to have entrusted large discretionary powers to Senhor Valpassina in his instructions to that officer, and to have informed him that his Excellency had so great confidence in Captain Ward, commanding Her Majesty's ship *Thetis*, that should Captain Ward desire to extend his examination of the coast beyond the limits to which it was confined by the official permission relative to it, which had been received by Mr. Consul Elton from the Secretary-General, Senhor Valpassina was, if practicable, to consent to such an extension.

The existence of such confidential relations on the part of Captain Ward and Mr. Elton on the one side, with the civil and naval Portuguese authorities at Mozambique on the other, as also the excellent results that were obtained by the combined operations above referred to, encourages Her Majesty's Government to entertain the hope that the Portuguese Government will be disposed to sanction a continuance of the joint action of the British and Portuguese naval forces in Portuguese waters for the suppression of the Slave Trade—a course which I am instructed to recommend to your Excellency's favourable consideration.

But one of the most effectual means for the permanent extinction of this barbarous traffic must be the substitution for it of a legitimate and remunerative commerce.

It is undoubted that such a commerce could be successfully fostered were it only to meet with encouragement for its development.

Much of the soil is said to be suitable for sugar and coffee cultivation ; ground-nuts are abundant ; salt is manufactured ; fine timber trees are numerous ; and considerable trade is carried on in bark canoes between the tribes themselves, who have the instincts of trade and commerce strongly developed, and would eagerly, had they the chance, work to supply small trading craft with products in exchange for European commodities.

At present a legitimate trade can be carried on with the interior of the country from the coast of the Province of Mozambique solely through the fortified *comptoirs* of Ibo, Mozambique, Angoxa, and Quilimane, and thereby a country which possesses great natural

resources is unable to find a ready and accessible outlet for its products; and hence the inhabitants are enforced to adopt Slave Trade with its enormous gains, as the only remunerative trade which is available to them.

In view of the above considerations I have the honour to state to your Excellency that Her Majesty's Government would see with great satisfaction the inauguration, on the part of the Government of His Most Faithful Majesty, of a more liberal policy as regards the opening of the territories over which they claim authority, to foreign trade.

I avail, &c.,

Senhor Correo.

H. CLARKE JERVOISE.

*No. 83.—Mr. Jervoise to the Earl of Derby.—(Rec. February 16.)*

MY LORD,

*Lisbon, February 7, 1876.*

WITH reference to Mr. Cobbold's despatch of the 12th of May, 1875, and to Lord Lytton's of the 31st of December last, I have now the honour to transmit herewith to your Lordship copies and a translation of a Law, dated the 3rd instant, and published in the Official Journal of the 5th, in virtue of which the servile condition referred to in the Decree of the 25th February, 1869,\* will be abolished in the Islands of San Thomé and Principe, on the West Coast of Africa, on and after the date of the publication of the Law therein.

I understand that this Law, the practical object of which is to anticipate by some months the enforcement of the Law of the 29th of April last in those islands, has been made in order to meet the exigencies created by the attitude assumed by the negroes at San Thomé, as reported in Lord Lytton's despatch of the 28th December, 1875. I am happy to add that the intelligence received from San Thomé since that date is much more reassuring with reference to the conduct and proceedings of the negroes.

I have, &c.,

*The Earl of Derby.*

H. CLARKE JERVOISE.

*(Inclosure.)—Law of the King of Portugal, abolishing Slavery in the Provinces of San Thomé and Principe.—Lisbon, February 3, 1876.*

DOM LUIS, by the grace of God King of Portugal and the Algarves, &c. We hereby announce to our subjects that the Cortes General have decreed, and we approve, the following Law:—

ART. 1. The servile condition described in the Decree with force of Law of February 25, 1869,\* is considered as abolished in the Provinces of San Thomé and Principe from the date of the publica-

\* Vol. LX. Page 571.

tion of the present Law in the said Province, and those to whom it refers are declared free.

2. All the provisions contained in the Law of April 29, 1875,\* and the Regulations relative thereto,† approved by Decree of December 20 of the same year,† come into full force at once in the said Province for the persons who shall thus obtain the condition of freedom.

3. Laws to the contrary are revoked.

Wherefore we command all the authorities whose duty it is to take note of and to execute the said Law, to fulfil it, and to see that it is fulfilled and observed to the full extent of its provisions.

The Minister and Secretary of State for Foreign Affairs, and *ad interim* for Marine and Colonies, shall cause the same to be printed, published, and circulated.

Given at the Court of the Ajuda on the 3rd of February, 1876.

THE KING.

(Great Seal of the Royal Arms.)

JOÃO DE ANDRADE CORVO.

*No. 84.—Mr. Jervoise to the Earl of Derby.—(Received March 2.)*

(Extract.)

*Lisbon, February 26, 1876.*

WITH reference to your Lordship's despatch of the 26th ultimo, I have the honour to inclose herewith a copy of a note I have addressed this day to Senhor Corvo, wherein I have called the serious attention of the Portuguese Government to the frequent shipments which have recently taken place from the Portuguese Possessions on the East Coast of Africa, in violation of the Treaty engagements of Portugal towards Great Britain.

*The Earl of Derby.*

H. CLARKE JERVOISE.

(*Inclosure.*)—*Mr. Jervoise to Senhor Corvo.*

M. LE MINISTRE,

*Lisbon, February 26, 1876.*

It has been with very sincere satisfaction that I have found myself enabled, after the interviews I had with your Excellency at the Ministry for Foreign Affairs on the 19th ultimo and 16th of this month, to communicate to my Government the assurances you were then pleased to give me with regard to the most recent measures that had been adopted by the Portuguese Government with a view, as your Excellency said, effectually to suppress ("couper court") the illicit Traffic in Slaves on the East Coast of Africa.

Those measures consisted, I have stated to Lord Derby:—

1. In a reinforcement to the Portuguese naval forces already



stationed on the Mozambique coast, for which service the gun-boat *Douro* has already been despatched, and will be followed by two others in course of preparation.

2. In precautionary and special orders calculated to maintain the crews in health and in an efficient condition for service, a disregard to which, as your Excellency is aware, has on different occasions been one of the causes which have made it impossible to despatch a Portuguese gun-boat to certain spots where it was known that slaves were being embarked on the Mozambique coast for shipment to Madagascar.

3. In a supply of flat-bottomed boats, to facilitate the inspection of suspected posts, which have been unapproachable to the boats hitherto employed in the service.

And, lastly, in the establishment of posts of observation along the coast at all suspected points, to be held by bodies of men in sufficient force for the purpose.

These measures, when carried out, it may be hoped, will help to place some check upon the Slave Trade in that quarter; but there are others the adoption of which I would venture to suggest would materially advance the object had in view.

In my notes of the 17th and 18th ultimo I have already, in accordance with the instructions I have received from the Earl of Derby, submitted three points to the notice of the Government of His Most Faithful Majesty. An understanding based upon these would, in the opinion of Her Majesty's Government, remove many of the obstacles which now impede the completion of that noble task which both Governments have taken in hand, and which, so long as it remains unfinished, must continue to entail the yearly loss of many valuable lives, as well as a vast expenditure of other resources.

The first referred to the Portaria of the 25th of October, 1870, with regard to which I was directed to ascertain whether it is still in force in the Portuguese Colonies, and if so, whether measures would be taken to prevent an interpretation being placed upon it which is in contradiction to the Law of the 29th of last April.

In my note of the 18th of January I stated that I was desired to recommend to your Excellency's favourable consideration the hope of Her Majesty's Government that the Government of His Most Faithful Majesty would sanction a continuance of the joint action of the British and Portuguese naval forces in Portuguese waters for the suppression of the Slave Trade; and, lastly, I pointed out that the only efficacious way of crushing the Slave Trade is the substitution for it of a legitimate commerce, and with this view Her Majesty's Government urged upon that of Portugal to open to foreign trade the territories over which they claim authority.

As yet, however, I have received no answers to these applications which I was instructed to lay before your Excellency, and therefore I take the liberty to remind you that I still await them, in order to communicate to my Government the views of that of His Most Faithful Majesty thereupon.

The latest information which has reached Her Majesty's Government unfortunately leads them to the conclusion that various attempts have been made within the last few months to convey slaves from different points on the Mozambique coast, and that in several instances the slave-dhows have succeeded in transporting their human freight to Madagascar.

With your Excellency's permission I will proceed to place before you a summary of that information.

On the 9th of last September Her Majesty's ship *Thetis*, on a voyage from Mozambique to Cape St. Andrew, Madagascar, captured a large dhow of 172 tons burden, with no papers or colours.

This dhow sailed originally from the Moma River with a cargo of 221 slaves for sale, 14 surius (concubines), and 41 domestic slaves—total, 276, shipped in the Moma River, in Portuguese territory, on the East Coast of Africa.

Of these 276 unfortunate beings 26 had perished miserably, during a voyage that had only lasted three days, from the horrors of the floating pest-house in which they were confined, and three more died afterwards on board the *Thetis* from exhaustion; 53 were suffering from a virulent and loathsome description of itch, which gave much trouble on board the *Thetis*, from the necessity which it entailed of isolating them as much as possible.

Captain Ward, commanding Her Majesty's ship *Thetis*, has reported to the Rear-Admiral commanding on the station his opinion that the majority of this cargo must have perished before reaching any port in Madagascar, as the passage, judging from the winds experienced, would have lasted some five or six days longer.

It was ascertained that, after leaving the Moma River, this dhow put into the Umcupi River for repairs, close to Mozambique, whence she sailed three days previous to her capture by Her Majesty's ship *Thetis*. She had been concealed in a mangrove creek during the examination of the Moma River by the boats of the *Thetis* and those of the Portuguese gun-boat *Sena*, in August last. Two other dhows, which had made arrangements to load slaves also in the Moma, afterwards made their escape to Madagascar, but without slaves on board, as I have already had the honour to state in my note to your Excellency of the 18th of January.

On the 17th of September this dhow was condemned in the Vice-Admiralty Court at Zanzibar, whilst the four slave-dealers (one

of whom was captain), Saeed Saleh, Babi Baloo, Hamis, and Abderah, were sent from Zanzibar to Mozambique by Dr. Kirk, Her Majesty's Consul-General at the former place. On arrival at Mozambique they were arrested at the request of Her Majesty's Consul at that place by the Portuguese authorities, to take their trial by Portuguese law.

These four dealers have long been engaged in the Slave Trade, and accustomed to put into such rivers as the Moma, Iredeni, Mariangoma, Umcupi, &c.

From the evidence taken before the Vice-Admiralty Court at Zanzibar it transpired that one of the women found on board the Moma dhow, named Fatima, aged 28, was slave to Mannia Happa, who keeps a shop at Mozambique for dry goods. She had been taken by him to Kivolane, where he sold her, and she was placed in a hut with other slaves until shipped.

Mandowa, a woman of about the same age, was sold at Mozambique by Mohammed Khalfan to Hummadi Yusuf, and shipped at Umfusi with seven other girls.

Suleiman, a slave-dealer from Nossi Bé, went to Moma on speculation, where he hunted down 15 slaves with eight men who were in his pay.

A woman is bought at Moma for 15 or 20 dollars, and sold at Madagascar for from 60 to 70 dollars. A man costs 6 or 7 dollars, and a boy 14 dollars, each fetching 40 dollars at Madagascar.

In May of last year Hamis ran a large cargo successfully from Moma to Tambourana, on the Madagascar Coast.

Hadji Senee ran 100 slaves last year to Marambitzi.

The plan adopted is to obtain leave from the Chief of the district—in this instance Sheikh Moussa—to carry on the trade, after which the coast natives are hired to go into the interior and hunt the slaves, the dealer remaining on the coast. A bargain is made for each slave, and one rupee a head is paid to the Chief.

Captain Ward reports of this man Moussa that he is much feared by the people, and at the time of Captain Ward's visit to the Moma was openly talked of as encouraging the Slave Trade.

The most effectual remedy for this state of things, it is believed, would be found in the establishment of a legal trade to supersede the Traffic in Slaves at Moma; but, owing to the absence of a Portuguese Custom-house, all trade there is illegal that does not call previously at some other port, which is practically a prohibition as regards places where no trade has been already established.

To this subject I have already had the honour to call your Excellency's attention in my note of the 18th ultimo.

On the 30th of November information reached Her Majesty's Consulate that another dhow had already loaded slaves for Mada-

gascar in the Umfusi-Kivolane Delta. Mr. Elton at once, at 8 A.M., communicated this intelligence to the Portuguese authorities, and intimated that, should the Governor-General wish for British co-operation, Captain Crohan, of Her Majesty's ship *Flying Fish*, was prepared to offer his cordial assistance. At this time the Portuguese gun-boats *Douro* and *Sena*, and the cutter *Alfonso Henriques*, were in the harbour. This offer on the part of Captain Crohan does not seem to have been accepted, and on the evening of the 30th, gathering that his co-operation was not desired, the *Flying Fish* left Mozambique for the north on other service.

Rumours were current in Mozambique from the 1st to the 6th of December regarding slave-dhows, and on the 6th Mr. Elton informed the Governor-General that two or more slave-dhows were reported as being in the Umfusi Delta for the purpose of loading slaves for exportation to Madagascar. On the 8th and 9th evidence was forthcoming from three perfectly independent sources that a slave-dhow had positively sailed for Marambitzi, Madagascar, with 150 slaves on board from Kivolane, north entrance of the Umfusi Delta, on the evening of the 30th of November, after the departure of Her Majesty's ship *Flying Fish*. This dhow is named the *Rahemi*, owned by Abdullah Muageen (an Anguedja or Comoro man). Most of the slaves were brought through one Bwana Humandi; Ali bu Hamed (an Anguedja of Kivolane), shipped 17 slaves; Ottiman ben Ali (an Arab also of Kivolane) shipped 23 slaves; Mohamed ben Hamed (an Arab of Lamu) shipped 11 slaves. This man was in the town of Mozambique on the 9th of December. The Governor-General has since given orders for his arrest on his return from Jaza on the mainland to Mozambique.

This is the third full dhow run from the Portuguese Possessions since the capture of the Moma dhow, and with respect to which detailed evidence is forthcoming of their having succeeded in leaving the Iredeni and Kivolane Rivers with full cargoes. With regard to two of these the Governor-General had no means immediately available to repress the illegal traffic; while with regard to the *Rahemi*, Her Majesty's ship *Flying Fish* was ready to co-operate with the Portuguese forces, but the offer to do so was not accepted.

On receipt of Mr. Consul Elton's communication of the 30th November, orders were given by the Governor-General to the naval authorities to take measures to stop the shipment of slaves; but his Excellency was informed, after the departure of the *Flying Fish*, that none of the Portuguese ships could go out.

I notice in the "Times" newspaper of the 19th a statement that seven dhows have escaped from Mozambique, each having on board, it is said, no fewer than 250 slaves, making a total of 1,750. How many of these survived the horrors of the passage may be surmised

from what was revealed last September in the case of the Moma dhow.

The information contained in the "Times" has also, I regret to say, reached Her Majesty's Government from other sources, and may be considered as authentic.

It only remains for me, M. le Ministre, in conformity with the instructions I have received from my Government, to call the serious attention of the Portuguese Government to the frequent shipments of slaves which have taken place of late from the Portuguese Possessions on the East Coast of Africa, notwithstanding, and in violation of, the Treaty engagements of Portugal towards Great Britain.

The facts I have now had the honour to submit to your Excellency are in evident contravention of these engagements, and I feel convinced that it is the earnest wish of the Government of His Most Faithful Majesty that they should be faithfully observed.

I avail, &c.,

*Senhor Corvo.*

H. CLARKE JERVOISE.

*No. 89.—Mr. Watson to the Earl of Derby.—(Received March 18.)*

MY LORD,

*Lisbon, March 10, 1876.*

I HAVE embodied in a note to Senhor Corvo, of which I have the honour to inclose a copy herewith, the instructions conveyed to me by your Lordship, founded upon the verbal assurances which were given by his Excellency to Mr. Jervoise of the determination of the Portuguese Government to take effectual measures for suppressing the Slave Traffic which has been hitherto carried on from their Possessions on the East Coast of Africa.

I have, &c.

(For Mr. Watson),

*The Earl of Derby.*

H. CLARKE JERVOISE.

*(Inclosure.)—Mr. Watson to Senhor Corvo.*

M. LE MINISTRE,

*Lisbon, March 10, 1876.*

I HAVE the honour to acquaint your Excellency that instructions have been received at this Legation, in accordance with which I take an early opportunity to express the gratification with which Her Majesty's Government have learnt from the assurances they have received, as conveyed by your Excellency in recent conversations with Mr. Jervoise, of the determination of the Portuguese Government to take effectual measures for suppressing the Slave Traffic which has hitherto been carried on from the Portuguese Possessions on the East Coast of Africa.

In acquitting myself of this duty, I beg to add that it is the earnest hope of Her Majesty's Government that means may be

found for carrying out the measures necessary for giving effect to the determination of the Government of Portugal in this respect.

I avail, &c.,

*Senhor Corvo.*

R. G. WATSON.

*No. 93.—The Earl of Derby to Mr. Watson.*

SIR,

*Foreign Office, March 22, 1876.*

THE despatches from Her Majesty's Consul at Mozambique which have latterly been communicated to Her Majesty's Legation at Lisbon will have furnished you with many details as to the position of affairs in the Portuguese territories on the East Coast of Africa, and more particularly as regards the Slave Trade from those coasts.

The position of affairs may be thus briefly described :

The Portuguese Government have a nominal jurisdiction over an immense length of coast, at the back of which lies a productive but uncivilized country over which they have no jurisdiction at all. Along this coast a few Custom-houses have been established, through which all lawful trade must be conducted, with the certainty of loss from high duties and the probability of further losses from confiscations, fines, and delays.

The present Governor of Mozambique is an upright and conscientious officer anxious to suppress the Slave Trade, which is the bane of the country he administers ; he is upon the most friendly terms with Captain Elton, who loses no opportunity of praising his honourable and conciliatory conduct ; he is supported by instructions from the Portuguese Government, who are bound by Treaties and promises to England to suppress the Slave Trade, and who are, as Her Majesty's Government are convinced, sincerely desirous of putting an end to it.

To the south, the British Colony of Natal, where slavery and the Slave Trade are unknown, is rapidly developing its natural riches. On the north the active co-operation of the Sultan of Zanzibar with Her Majesty's Government has dealt a blow to the Slave Trade which gives good hope of its extinction in the dominions of His Highness. It is on the long line of Portuguese coast that the Slave Trade continues almost unchecked.

What are the causes of this unfortunate and exceptional state of things ? Her Majesty's Government are convinced, as I have already said, that they are not to be found in any want of sincerity or good intention on the part of the Government of His Most Faithful Majesty or the Governor of Mozambique, but that they may be distinctly traced to the want of sufficient means of repression, and to the almost prohibitive discouragement of lawful trade.

It might seem scarcely necessary to point out that oppressive

Tariffs, vexatious regulations, and heavy fines are serious impediments to trade, and produce but a small fraction of the revenue which would be derived from a more liberal system. In civilized countries these impediments are overcome by smuggling, and the loss to the Exchequer is easily calculated. In a country like that held by Portugal in Africa the loss from the non-development of its resources is difficult to estimate, but the traffic which is encouraged is not smuggling but Slave Trade.

So long as the Portuguese Government make lawful trade hazardous and comparatively unprofitable, men will be found to prefer a lawless traffic which offers, with but little if any more risk, an enormous increase of profit.

The attention of the Parliament and people of this country is now particularly directed to the subject of the Slave Trade on the East Coast of Africa, and Her Majesty's Government are convinced that the present moment is favourable for dealing it a heavy blow.

I have, therefore, to instruct you to read and give a copy of this despatch to Senhor Corvo, at the same assuring him that it has been dictated by the desire to co-operate with the Portuguese Government in the work which both Governments have sincerely at heart.

You will also inform Senhor Corvo that with this object in view Her Majesty's Government would be prepared to instruct Her Majesty's cruisers to assist in the suppression of the Slave Trade along the Portuguese coasts as fully as his Government could wish or would be willing to allow.

I am, &c.,

*R. G. Watson, Esq.*

**DERBY.**

*No. 115.—Mr. Morier to the Earl of Derby.—(Rec. November 8.)*

**MY LORD,**

*Lisbon, October 23, 1876.*

UPON the receipt of your Lordship's Slave Trade despatches dated the 11th instant, I addressed, in compliance with your Lordship's instructions, a note to Senhor Corvo, expressing the satisfaction of Her Majesty's Government at the efforts made by the Portuguese Government for the suppression of the Slave Trade, as well as their appreciation of the attitude of the Governor-General of Mozambique in regard to this matter.

I have the honour to inclose herewith a copy of my note above referred to.

I have, &c.,

*The Earl of Derby.*

**R. B. D. MORIER.**

*(Inclosure.)—Mr. Morier to Senhor Corvo.*

**M. LE MINISTRE,**

*Lisbon, October 20, 1876.*

HER Majesty's Government have received information from the East Coast of Africa to which they attach great value. It seems

placed beyond a doubt by the reports of Mr. Elton, Her Majesty's Consul at Mozambique, and the statements of Captain Le H. Ward, of Her Majesty's ship *Thetis*, the Senior Naval Officer on the East Coast, that a very decided impression has been produced upon the export Slave Trade from the African coast to Madagascar, and that the impression is to be attributed to the combined efforts of the Portuguese and British authorities, and, in an especial manner, to the intelligent zeal of the Governor-General of Mozambique.

After visiting several parts of the coast, and especially the district of Mozembe, Mr. Elton returned convinced "that a great change had taken place tending to the hindering of slave collection for export to Madagascar, at places where, at this time last year, he had to report a most active and flourishing traffic carried on in spite of the Governor-General's efforts at suppression."

Captain Le H. Ward states that, after cruising for six months upon the Madagascar coast, "only one slave-dhow had been captured, and not more than two had been positively known to have run slaves and to have escaped capture; and that whereas, at this time 12 months ago, the slave-traders were notoriously known to be actively employed along the Portuguese coast, at present there appeared a notable slackness in their operations."

Captain Le H. Ward called in company with Mr. Consul Elton on the Governor-General on the 1st of August last, in order to acknowledge to his Excellency the share which his Excellency's policy and co-operation had had in these results.

The Governor-General gave to these two officers of Her Majesty the most cordial welcome, and, on his part, acknowledged "the very important *appui morale* that had all along been rendered to his efforts to attain progress by the frequent visits of Her Majesty's cruisers to the port of Mozambique, and by the information rendered to him by Her Majesty's Consul."

In transmitting these reports to me, Her Majesty's Principal Secretary of State for Foreign Affairs has instructed me to express the great satisfaction with which Her Majesty's Government have perceived the efforts made by the Portuguese Government to put a stop to the Slave Trade, and their appreciation of the attitude of the Governor-General in regard to the suppression of that illicit Traffic on the coast of Mozambique.

I avail, &c.,

Senhor Corvo.

R. B. D. MORIER.



## PORTUGAL (LOANDA).

*No. 114.—Acting Consul Carnegie to the Earl of Derby.—(Received October 13.)*

MY LORD,

*Loanda, August 24, 1876.*

I HAVE the honour to report to your Lordship that domestic slavery ceased to be recognized by the Portuguese Government throughout all their possessions on the West Coast of Africa on the 17th July.

As I anticipated, no demonstration of any kind whatever took place in Loanda, either on the part of the Government, the European residents, or the liberated slaves themselves. Not a flag was displayed nor a gun fired to mark the importance of a day which gave liberty to thousands.

This can only be explained by the slaves themselves doubting the reality of their new existence, and the want of interest taken in the movement by both Government and residents. Outwardly the day passed off in the usual way, nor has there since been any apparent difference in the town, and the slaves who liked their masters, with few exceptions, remained, receiving the price of their services, which has been determined by the Government.

On some of the farms in the neighbourhood where a number of hands were employed, some inconvenience was at first felt by large numbers deserting to the town seeking other employment. However, as by one of the bye-laws in the Decree of April 29\* they are obliged to work for their old masters for Government regulation pay for another two years, they have mostly returned, although there may be some ulterior difficulties in making them understand the difference between domestic slavery and forced labour on Government pay.

From the interior I have no definite news as yet of the results of the emancipation. I hear complaints of the great scarcity of labour, and the difficulty now of procuring labour in proportion to the increase of the estates, but there have been no outbreaks nor are there any anticipated. It will no doubt take some time before both planters and natives will get accustomed to this new state of things. Previously a planter could always obtain labour by money. Now he has to go into the open hiring market, where he meets with considerable competition, as many small plantations have sprung up in consequence of labour being to a certain extent procurable without a large outlay of capital in the purchase of slaves.

I have, &c.,

*The Earl of Derby.*

JOHN CARNEGIE.

## PORTUGAL (MOZAMBIQUE).

No. 126.—*Consul Elton to the Earl of Derby.*—(Rec. Feb. 7, 1876.)  
(Extract.) *Mozambique, December 11, 1875.*

EARLY on the morning of 30th November last I received reliable information that a dhow had loaded slaves for Madagascar in the Umfusi-Kivolane Delta.

I therefore proceeded to the *Flying Fish*, and Captain Crohan, although bound north for Zanzibar, having expressed his readiness to co-operate with the Portuguese authorities, and sail in search of this dhow, I wrote a note to the Secretary-General in French (8 A.M.) saying that Captain Crohan wished to know at what hour he could call upon the Governor-General with me, in order to arrange about leaving a launch, cannon, and ammunition in dépôt at the Portuguese arsenal at Mozambique, pending the arrival of Her Majesty's ship *Lynx*, or the first of Her Majesty's cruisers calling at the port, and I at the same time gave information that a full slave-dhow was in the Umfusi-Kivolane Delta, and that should the Governor-General wish British co-operation Captain Crohan was prepared to offer his cordial assistance.

To this note I received, at 10.30 A.M., in reply the note copy of which forms Inclosure No. 1, and at 11.5 A.M. I called with Captain Crohan on the Governor-General, when arrangements were made for the launch, gun, &c., being placed in charge of the Port Captain, but no mention was made of the slave-dhow by his Excellency, neither did I, after the Secretary's note, touch upon the subject, knowing that the Portuguese gun-boats *Douro* and *Sena*, and the cutter *Afonso Henriques*, were in the harbour.

Owing to the news of MacKillop Pasha's descent on the Zanzibar coast, Captain Crohan, seeing there was nothing to be done, was anxious to leave for Zanzibar without delay, and sailed at 6 P.M. the same day, carrying my mail to your Lordship under flying seal to Dr. Kirk.

Rumours were current in the town from the 1st to 6th December regarding slave-dhows. I therefore on the 6th December wrote to the Governor-General. On the same day I left for the mainland, returning on the 8th to Mozambique, and there obtained evidence that a slave-dhow had positively sailed with 150 slaves on board from the Kivolane on the evening of the 30th November, after the departure of Her Majesty's ship *Flying Fish*. On the 9th this evidence was corroborated by another channel, and subsequently an Arab, who was absolutely engaged in shipping the slaves, and had quarrelled with his master, one of the shippers, gave me the most

detailed information on the matter, which I had now learnt from three perfectly independent sources.

On the 10th I therefore wrote to the Governor-General, and received in reply the note copy of which forms Inclosure No. 4, from the Secretary-General.

To-day the official letters of the 10th and 11th instant from the Governor-General have come to hand in answer to mine of the 6th and 10th instant.

I do not think, my Lord, that I need comment upon the history of the escape of this slave-dhow. It is but another proof of the inability of the means at the control of the Governor-General of Mozambique to stop the Madagascar export Slave Trade from the Portuguese slave coast (although his Excellency is, I know, personally interested in its speedy suppression).

When in Inclosure No. 2 I mention three slave-dhows, I would observe that regarding three I have detailed and precise information, and I was careful to be on the right side; but I am well aware that more than six have run cargoes since the capture of the Moma River dhow, conveying about 1,000 slaves, notwithstanding the declaration made in Part V, cap. 2, page 101, of the Portuguese Mémoire submitted to the Delagoa Bay Arbitration, where it is stated (as an "exact fact") that the Portuguese nation has completely abolished slavery in its Colonies ("a complètement aboli l'esclavage dans ses Colonies")!

*The Earl of Derby.*

F. ELTON.

*No. 134.—Consul Elton to the Earl of Derby.—(Received March 6.)*

MY LORD,

*Mozambique, February 3, 1876.*

I HAVE the honour to report that, in a Supplementary Gazette of 29th January, 1876, the Governor-General of Mozambique published the "Carta de Lei" of the King of Portugal of the 29th April, 1875, relative to the abolition, one year after date of publication, of the servile condition of "libertos," copy of which your Lordship sent me in 1875.

No observations are made of any kind upon this Law, and, as the "Gazette" only appeared late yesterday evening, and the steamer leaves this day, I am not as yet able to report upon public feeling upon the subject. I have, however, forwarded a telegram, via Aden, announcing the publication.

I have &c.,

*The Earl of Derby.*

F. ELTON.

*(Inclosure).—Supplement to No. 5 of the "Official Gazette" of the General Government of Mozambique, January 29, 1876.*

*Law of April 29, 1875.*

[See Vol. LXVI. Page 212.]

No. 136.—*Consul Elton to the Earl of Derby.*—(Received March 26.)

(Extract.)

*Mozambique, January 5, 1876.*

I beg to inclose copy of Mozambique Government "Gazette," publishing a Concession for the monopoly of the steam navigation of the Rivers Zambesi, Shiré, and the Delta of the Zambesi.

The Concession is granted to two merchants for 30 years, on condition of forming a company with a capital of not less than 20,000*l.* within 24 months.

In Article 2 it is stipulated as follows by the Portuguese Government:—

"Twelve round voyages are to be made yearly on our rivers, the Zambesi and Shiré, except in case of unforeseen hindrance ('força maior');"

"On the Zambesi between Quillimane, Sena, and Tete ;

"On the Shiré from its mouth to Myassa ;

"On the Quaqua, between Mazaro and Quillimane ;

"On the Inhamissengo or Kongoni between Mazaro and West Loabo."

To any one at all conversant with the geography of the country, it is simply absurd to talk of 12 such round voyages being made by two steamers, and notably no mention is made of the cataracts of the Shiré, and the 50 miles portage necessary to avoid them, or of other difficulties.

*The Earl of Derby.*

F. ELTON.

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(Inclosure.)—"Official Gazette of the General Government of the Province of Mozambique," December 27, 1876.

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*Portuguese Decree approving the Concession for the Rivers Zambesi and Shiré.*—Lisbon, August 2, 1875.

(Translation.)

Ministry for Marine and Transmarine Affairs, General Transmarine Department, 2nd Section.

HAVING had before me the proposal of the Lisbon merchants, James Anahory and Moses Zagury, for a grant to them of the exclusive right of the steam navigation on the Rivers Zambesi and Shiré, and on the branches of the Zambesi to Quillimane and to Loabo, in the Province of Mozambique ;

Considering that the said navigation will not only afford immediate advantages to the districts of Quillimane, but will likewise contribute to the future aggrandizement of the Province of Mozambique ;

Knowing by experience the good results of the steam navigation from the mother country to Cape Verd, S. Thomé and Principe and Angola, as well as that of the River Quanza, in this last Province ;

Exercising the authority conferred by § 1 of Article 15 of the Additional Act to the Constitutional Charter of the Monarchy ;

Having heard the Committee of Advice on Transmarine Affairs and the Council of Ministers ;

I think fit to approve the contract concluded this day between the Government and the two merchants aforesaid, James Anahory and Moses Zagury, for the steam navigation on the Rivers Zambesi and Shiré, and the branches of the Zambesi to Quilimane and to Loabo, in the Province of Mozambique, in the form and on the terms specified in the conditions of which that contract consists.

Let the Ministry and Secretary of State for Foreign Affairs and *pro tem.* for Marine and Transmarine Affairs so understand it and have it executed.

Palace, August 2, 1875.

THE KING.

JOÃO DE ANDRADE CORVO.

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*Contract for undertaking the Steam Navigation on the Rivers Zambesi and Shiré, and on the Branches of the Zambesi to Quilimane and Loabo, in the Province of Mozambique.—August 2, 1875.*

(Translation.)

On the 2nd day of the month of August, 1875, at the Ministry for Marine and Transmarine Affairs, and in the Cabinet of the illustrious Councillor João de Andrade Corvo, Minister and Secretary of State for Foreign Affairs, and *pro tem.* for Marine and Transmarine Affairs, I, José Tavares de Macedo, of His Majesty's Council, Chief Clerk acting as Director-General in the 2nd Section of the State Office for Marine and Transmarine Affairs, appeared ; present also the aforesaid Minister on the one side, as first contracting party for the Government, and on the other side James Anahory and Moses Zagury as second contracting parties, as well as Councillor João Baptista da Silva Ferrão de Carvalho Martens, Procurator-General of the Crown and Exchequer ; and in my presence, as well as in presence of the witnesses mentioned and subscribed below, all the contracting parties said that they agreed to a contract for the enterprise of the steam navigation on the Rivers Zambesi and Shiré, and on the branches of the Zambesi to Quilimane and to Loabo, in the Province of Mozambique, on the terms of the conditions hereunder indicated, which they bound themselves to fulfil :—

1. James Anahory and Moses Zagury, merchants of the Lisbon market, undertake to form, within the term of 24 months from this date, a commercial company for the purpose of executing the present contract in the manner and on the terms hereafter specified.

§ 1. The capital of the Company shall not be less than 20,000*l*.

§ 2. The Company shall be considered as Portuguese for all effects, and, as such, subject to the laws and regulations of Portugal, the shareholders, who may be foreigners, relinquishing all their immunities and privileges in everything relating to this contract.

2. The enterprise engages to make 12 round voyages (voyages there and back) a year on the Rivers Zambesi and Shiré, saving in case of insurmountable obstacles, and likewise engages to navigate the branch of the Zambesi towards Quilimane, called Quaqua, and the branch of the Zambesi towards Loabo, called Inhamissengo or River Kongoni, in the months when they are navigable ;

On the Zambesi, between Quilimane, Sena, and Tete ;

On the Shiré, between the mouth of the River Shiré and Nahanja ;

On the Quaqua, between Mazaro and Quilimane ;

On the Inhamissengo, or the River Kongoni, between Mazaro and West Loabo.

3. The enterprise engages to have for this service at least two vessels of the most approved construction and of the necessary power.

§ When the development of the trade requires a larger number of vessels, the enterprise engages to augment their number, so that the service may be complete and answer the requirements of the trade.

4. The maximum prices of the freights for merchandize and fares for passengers shall be fixed by the Company in concurrence with the Government.

3. The freights of State merchandize, warlike materials and implements, as well as the fares for conveyance of passengers on account of the Government, shall be one-third less than the prices of the freights and fares fixed for private persons.

6. If a state of war be declared in the Province of Mozambique, persons and things that the Government may require to have conveyed shall always have the preference.

7. The conveyance of the post mails and the official correspondence of the Government shall be gratuitous.

8. The Government will grant to the enterprise, during 30 years, reckoned from the date of the signature of this contract, the privilege of the steam navigation on the Rivers Zambesi and Shiré, on the terms fixed in Condition 3.

§ This privilege does not prejudice the navigation of those rivers by vessels not propelled by steam.

9. The enterprise shall have free permission to cut timber in the forests belonging to the State situated in the district of Zambezia, to be used exclusively in the service of the navigation, in the construc-

tion of bridges, boats, and launches, and for fuel for cooking on board, as well as for the steam-engines; and the enterprise shall also have a gratuitous grant of the land required for the erection of houses or sheds for the reception of the apparatus and materials belonging to the Company, for wharves and appurtenances.

§ The enterprise will be subject to the regulations and instructions which the Government may consider necessary for the supervision of the timber-cutting.

10. The Government grants a gratuitous supply of Portuguese flags for the steam-boats.

11. The Government grants to the enterprise during the term fixed in Condition 8, the right of importing, free of duty, the vessels, machinery, boilers, gearing, and preparations that it may require for the navigation which it undertakes, as well as the materials for repairing and cleaning its vessels only, and for the construction of the sheds, warehouses, and wharves that it has to provide.

§ The enterprise will be subject to the regulations and restrictions which the Government may think necessary for the supervision of the transmission of the above-mentioned articles.

12. The Government undertakes to have two steam-boats intended for the navigation to which this contract relates, conveyed to Mozambique, in the manner to be agreed upon between the Government and the enterprise.

13. The Government undertakes to facilitate the loading and unloading of the goods conveyed by the boats of the enterprise, at the Custom-house of Quilimane, or to allow the enterprise to have places of its own where the examinations may take place.

14. The Company's boats shall be considered as packets, and may therefore enter and leave any of the ports in their course by night, without liability to visitation.

15. The security referred to in § 3 of Article 7 of the Decree of December 10, 1836,\* shall not be required for the cargo conveyed in the Company's boats.

16. If the enterprise should fail to fulfil the conditions of this contract, saving the cases of insuperable obstacle duly proved, the Government may rescind the said contract after hearing the Committee of Advice for Transmarine Affairs.

§ The enterprise may appeal from this decision to the Supreme Administrative Tribunal, within the peremptory term of 15 days, reckoned from the publication of the Decree thereon in the official paper.

17. In case of the dissolution or liquidation of the Company, the bridges constructed by the enterprise for the service of its boats will belong to the Government.

\* Vol. XXIV. Page 782.

18. The Government does not undertake in any case to guarantee rights or to grant subventions of any kind for the navigation treated of in this contract.

19. The Government grants to the enterprise the term of 36 months, reckoned from the date of this contract, to commence the navigation in the manner herein stipulated.

§ If the enterprise shall not commence the navigation within the said term, this contract shall be considered as rescinded by that fact.

And with these conditions the said contract has been made and concluded by the aforesaid parties, in the presence, as above stated, of Councillor João Baptista da Silva Ferrão de Carvalho Martens, Procurator-General of the Crown and Exchequer, as well as of the witnesses Antonio Maria Campelo, head of the Second Section of the General Department for Transmarine Affairs, and Manoel Gomes Pessoa Loforte, Chief Clerk in the office of the extinct Council for Transmarine Affairs, attached to the same section.

And I, José Tavares de Macedo, of His Majesty's Council, Chief Clerk, acting as Director-General of the Second Section of the State Office for Marine and Transmarine Affairs, in corroboration of all, and for the information of those concerned, have had written, and have signed and rubricated, this present deed of contract in duplicate; and the aforesaid contracting parties, and other persons already referred to, are to sign it with me after it has been read to them.

JOÃO DE ANDRADE CORVO.

JAMES ANAHORY.

MOSES ZAGURY.

Present:

JOÃO BAPTISTA DA SILVA FERRÃO DE CARVALHO MARTENS.

ANTONIO MARIA CAMPELO.

MANOEL GOMES PESSOA LOFORTE.

JOSÉ TAVARES DE MACEDO.

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No. 139.—*Consul Elton to the Earl of Derby.*—(Received May 8.)  
(Extract.) *Mozambique, March 30, 1876.*

In my last monthly report (dated the 1st March) I informed your Lordship that Her Majesty's ship *Flying Fish* was cruising south of Cape St. Andrew, that Her Majesty's ship *Lynx* had left for Mauritius, and that Her Majesty's ship *Thetis* was to arrive in the Mozambique Channel in the course of the month.

Subsequently to Mr. Dixon's death, being strongly advised by Dr. Maclean (Her Majesty's ship *Lynx*) to leave the island for a short period, during the prevalence of the fever and the heavy rains, leaving Mr. Andrade in charge of the Consulate, I took advantage of my knowledge of the *Thetis's* movements, and arriving at Zan-



zibar by the mail-steamer on the 7th instant (where I talked over Slave Trade matters with Dr. Kirk during four days' stay), left that port on the 11th instant for the Mozambique station on board Captain Le Hunt Ward's ship.

Her Majesty's ship *Thetis*, in the first instance, had to rendezvous with Her Majesty's ship *Flying Fish*, off Cape St. Andrew, when I was enabled to compare information I had collected regarding the Slave Trade said to be carried on by schooners under the French flag from the port of Tullear, on the south coast of Madagascar, to Bourbon, with the facts ascertained by Captain Crohan during his visit to Tullear itself and St. Augustine's Bay.

Evidence confirms an elaborate system of slave-dealing established there under the guise of free emigration, conducted by the Italian Vice-Consul, supposed to be a brother to M. Rosier, master of the *Étienne et Laurence*, a Creole of Bourbon, who adopts the alias of "MacCullum."

As your Lordship is aware, the *Étienne et Laurence*, as well as the *Clémence*, the *Africa*,\* and other French schooners, have for some time past been suspected of carrying slaves. The *Étienne et Laurence*, formerly the *Seibwright*, an American vessel, was captured by the *Alabama* and sold at Mozambique, whence she was taken to Bourbon, where her name was changed, and she obtained the French flag, and has since been commanded by M. Rosier. It is believed that not 18 months ago she shipped slaves at the mouth of the Quilimane River, and it is certain she conveys labourers from time to time to Bourbon from the Madagascar ports. These latter, from Captain Crohan's information, are men purchased by the Italian Vice-Consul (Rosier, alias MacCullum) from the Sakalava Chiefs (who are constantly engaged in petty warfare), at from 20 dollars to 30 dollars, and although kept in irons on shore, are shipped as passengers, with papers purporting to be signed by the Chiefs, stating that they proceed to Bourbon in search of employment or their own free will. A M. Follet, agent for Messrs. Joubert and Co., of Bourbon, it would appear, is also engaged in these transactions. Depôts are established both at Tullear, latitude 23° 23' south, and St. Augustine's Bay, 12 miles further south: 30 slaves were said to be at the former and 50 at the latter, in confinement at the time of the *Flying Fish's* visit.

Twelve months ago 150 were shipped at a time, but orders are now to ship in small numbers only to Bourbon.

To test the accuracy of these statements, Captain Crohan proceeded to Ranapasy and Morundava, where they were confirmed by two Norwegian missionaries, Captain Home (agent from Messrs.

\* Recently seized by French authorities at Nossi Bé with some 50 slaves on board.—F. E.

Holmes and Co., of Capetown), and by a Hova Chief, sent by the Prime Minister to report confidentially on the Sakalavas of Tullear and St. Augustine's Bay.

"From the evidence of these people," Captain Crohan writes, "I have every reason to believe that a Slave Trade is carried on at Tullear and St. Augustine's Bay by French subjects."

*The Earl of Derby.*

F. ELTON.

*No. 151.—Consul Elton to the Earl of Derby.—(Rec. August 1.)*

MY LORD,

*Mozambique, June 10, 1876.*

DR. KIRK, Her Majesty's Consul-General at Zanzibar, in a despatch dated 7th May last, transmitted me copies in Arabic and in translation of two Proclamations issued by the Sultan of Zanzibar relative to the suppression of the inland Slave Traffic.

The Arabic notices I caused to be affixed upon the door of the Consulate, where they were read by many Arabs and Mujoges from the coast, and I also took an early opportunity of explaining the Sultan's action to the Governor-General at an interview, when I placed in his hands copies both of the Arabic and English versions.

On the following day I left for Ibo, and on my return found that the Governor-General had published one of the Proclamations, headed by a few remarks, in the "Boletim Official" of the 22nd May, a copy of which I have the honour to inclose, with translation.

I trust your Lordship will be pleased to hear of the Governor-General's action in this matter, and may approve of my having thanked his Excellency for the same the day after my return to Mozambique.

I should not omit, in conclusion, to state that the Governor-General was much gratified at the statement made by Mr. Bourke in the House of Commons ("Times," April 5) that "Her Majesty's Government had thanked the Portuguese Government for the way in which the Governor-General was acting."

I have, &c.,

*The Earl of Derby.*

F. ELTON.

*(Inclosure.)—Extract from the "Boletim Official" of May 22, 1876.*

*No. 161.—Consul Elton to the Earl of Derby.—(Rec. September 28.)*

(Extract.)

*Mozambique, August 17, 1876.*

On the 21st July I had the honour to report that (leaving Mr. Manning in temporary charge of Her Britannic Majesty's Consulate) I started from Choca, on Conducia Bay, for the Tugulu district situated at the foot of the Tugulu Hills, and to the westward of Table Mountain, the principal field hitherto used by the Arab and Mujoge slave-dealers for the hunting down and collection

of Makua slaves specially destined for export from the Umfusi-Kivolane Delta to Madagascar.

On two previous occasions I had been hindered in attempts to visit this part of the Mosembe district, upon one by want of carriers, and upon the other by the flat refusal of the Chief to allow me to pass beyond the Mesa, on the plea that "fighting" (that is, slave-hunting) was going on in Tugulu, and that he could not be responsible for my personal safety; however, on my sending a message reiterating my wish to make the journey, on the 9th July, Abdallah Mohammed expressed his willingness to supply me with guides and carriers, and told me that I should return convinced that all Slave Trade operations had now been effectually put a stop to under his orders.

From Choca I sailed at daylight on the 21st (I was prevented by other work from starting at an earlier date) to Chicoma, and thence marched five miles to Shambala, the Chief's residence, where I encamped for the night, and on the 22nd having been furnished with 2 guides and 14 carriers, crossed the Mosembe plateau, and halted upon its extreme limit, at the villages of Molo, the headquarters where the dealers formerly organized their bands for foray on the low-lying country reaching away to the westward.

The head man at Molo was an exceedingly ancient and garrulous negro, and had been actively employed in the Slave Trade, so he informed me, for the past 60 years, and as captain of a dhow had run cargoes from Mosembe to most of the Madagascar ports, all the Comoro Islands, and also from Kilwa Kisinji to Zanzibar, Brava, Lamu, &c. According to this old man's opinion, the Madagascar export trade had been "dead for the past six months." No cargoes had been shipped, he asserted, north of Mozambique for more than 10 months, and only three during five months from the Umfusi-Kivolane Delta.

He admitted the Tugulu country was destroyed, but said I should find that the people were gaining confidence and returning to it now that slave-collecting had been put an end to there—a fact that he appeared sincerely to lament, although long since he must have been physically unable to join actively in any such operations.

From Molo, the Lagoon of Mrésu was reached, and the Tugulu flats entered. Village after village was passed, burned and plundered. All cultivation was at an end, and only marked by broad clearings, choked up with long grass and weeds. Fish weirs and the houses for goats, poultry, and storage of grain, built on platforms, tumbling to pieces, and a few half-starved Makuas living on roots and by trapping, whom we surprised lurking in the woods, where the paths had almost become untraceable, were the only inhabitants found.

In the words of my guide, "the country had been spoilt," and a broad, rich, thickly-populated, and well-cultivated belt of land some 60 miles by 20 miles converted into a barren wilderness.

As we approached the Tugulu range the people showed more confidence, and were reoccupying and rebuilding a few outlying hamlets, and I am glad to say some of the natives soon found out our camps, and ventured, at first very carefully, to follow our tracks, and build up their fish weirs on the upper waters of the Conducia River, which rises from the water-parting of the Tugulu Hills.

I returned to Mozambique on the 30th ultimo, all my party suffering to some degree from the miasma of the low-lying country we had journeyed through, quite convinced that a great change had taken place, tending to the better furtherance of the hindering of slave-collection for export to Madagascar, in the policy of the chief men of the Mosembe district, where, at this time last year, I had to report a most active and flourishing Slave Traffic was carried on, in despite of the Governor-General's efforts at suppression.

On the 31st ultimo, the day after my return, it being a fête-day (issue of Charter to Portuguese, 1826), I paid the usual visit made by Consuls to the Governor-General, and had a lengthened interview with him on Slave Trade matters. After giving his Excellency an account of my late journey and the state of the Tugulu and Mosembe districts, he informed that he was happy to say that he had at last entered into a Convention with the Chief Moussa Kwantu (of Moma, Angoxa, and Maravoni notoriety), not to allow the shipment of slaves from the district (comprising the rivers just named) over which he exercises considerable authority, and to discontinue supplying the dealers to the south with slaves for export.

His performance of this engagement being secured by the deposit of a large amount of ivory in the Custom-house of the Portuguese Settlement of Angoxa, this arrangement will, I trust, taken in combination with the proposed occupation and guard of the coast line, specially reported in my despatch of August 4, be productive of good results in the reduction of the Slave Export Trade hence to Madagascar.

On the 30th ultimo the French aviso *Le Surcouf*, Lieutenant de Vaisseau H. Rouquette, arrived in Mozambique from China, on her way home viâ Madagascar, with orders to touch at numerous ports *en route*.

She was last from Majunga, and left Mozambique on the 2nd August for Ibo, Kilwa, and Zanzibar.

On the 31st ultimo Her Majesty's ship *Thetis* arrived in port and saluted the Portuguese flag, the salute being returned from Fort St. Sebastian, and on the 1st August I accompanied Captain Ward on a visit to the Governor-General

Captain Ward, on the 22nd July, with the boats of Her Majesty's ships *Thetis* and *Flying Fish*, had revisited Nos-Simbalava, the Sakalava town punished by him on the 7th October last, for treacherously firing upon his ship's boats some days previously to that date, and severely wounding one of his men; where, after entering the river without opposition, he succeeded in obtaining an interview with the hostile Chief, and explained to him that so long as our boats were properly received and no encouragement held forth by his people to slave-dhows sailing from the African coast, our desire was to be friendly and not to be hostile, and, in proof of such desire, his town and villages, which could have been burnt by the boats without difficulty, had been spared, after his men had been chastised both for their first act of unfriendliness and for opening hostilities for the second time.

The Chief expressed extreme penitence, excused himself from the responsibility of the Sakalavas' action as well as he was able, acknowledged Captain Ward's forbearance in abstaining from burning his settlement, and promised for the future that all boats flying the British flag and entering his river should be hospitably received.

The Sakalavas are said to have lost heavily from the boat's fire, and their deserved chastisement, well known upon the West Madagascar coast, coupled with Captain Ward's well-timed explanation of our motives to the Chief, will probably deter other tribes from imitating their treacherous example.

In order that Captain Ward should be fully aware of what had transpired of late regarding Slave Trade matters on the Mozambique side, I showed him my last monthly Slave Trade Report to your Lordship, drawing his attention to the two dhows reported by the mail-steamer which sailed from Antonio River, and my remarks relative to the port of Mayinterano.

Captain Ward, I regret to say, was able circumstantially to confirm the fact that one of the dhows had landed her cargo at Bali Bay, and it appeared, from his interpreter's information, that the other (which had been fitted out at Mayinterano) had also succeeded in making a port on the Madagascar coast further south.

Mayinterano, it appeared, had not been visited by Her Majesty's ships *Thetis* and *Flying Fish*, as I supposed; therefore, as evidence tended to prove that the Antonio dhows, and the last dhow taken by the Portuguese and now hauled up on the beach in front of the town, all fitted out thence, Captain Ward determined to proceed to its examination, and on the 4th instant, in a letter, copy of which forms Inclosure No. 1, requested me to accompany him.

On the same day, having accepted Captain Ward's invitation to join him, believing that a personal inspection of Mayinterano, and inquiries made there, would materially aid me in sifting future

informations, I called upon the Governor-General and informed him of my intended departure on the following day, and of the proposed visit to Mayinterano, an expedition that I trusted would result in freeing the Umfusi-Kivolane Delta and the Antonio River from being so frequently visited as formerly by dhows seeking slaves, and affording, as it appeared to me, a favourable occasion for circulating the Convention made with Moussa Kwantu and the intention of the Portuguese Government to occupy fresh posts and bring increased force to bear upon the suppression of the Slave Trade from their coast.

His Excellency cordially coincided with these views, and was of opinion that much good would result from an explanation being made to the Chief of the evidence collecting against him at Mozambique with regard to support held out by him to the Traffic.

On the 5th I consequently sailed in Her Majesty's ship *Thetis* for Mayinterano. On the evening of the 9th we anchored about three miles off the entrance of the river, and fell in with the launch *Louise*, cruising under command of Lieutenant Gibbings, Her Majesty's ship *Flying Fish*.

On the 10th, at 6:30 A.M., we left Her Majesty's ship *Thetis*, with a force consisting of the *Thetis* steam-cutter, pinnace (gun), 1st cutter (rocket-tube), 2nd cutter (rocket-tube), galley; Her Majesty's ship *Flying Fish* launch *Louise* (gun), manned with about 150 seamen and marines, and crossing the bar without difficulty, anchored off the town, which is built on a sandy island in the river, and contains some 4,000 inhabitants. The French and German flags were prominent over the establishments of the agents of Messrs. Rous Frassinetti (?) and O'Swald, and the white Sakalava pennant was hoisted over the Chief's house. A number of armed men, who had watched our arrival, followed us up the river, over the sandhills, and collected, with a spokesman at their head (one Abdallah, a Johanna man, formerly interpreter of Her Majesty's ship *Highflyer*), upon the beach opposite to where the flotilla came to an anchor. Captain Ward and I then landed, with the interpreters and the coxswain of the galley, and were conducted, after some little delay, to a large open "baraza," or council shed, where we found the Chief Khalil bin Salavi, surrounded by a large number of Sakalava soldiers, very fairly armed with guns and spears, and the principal men of the town, half-caste Arabs, Indians, &c.

Captain Ward commenced by remonstrating with the Chief at his conduct to the boats of Her Majesty's ship *Lynx*. He had ordered them out of the river when they came to fill up with water and buy provisions in a friendly manner, and had told the officer in command that if he remained for the night he would probably be fired upon.

It was necessary for the Chief and his people to understand that the smallest boat flying the British flag must be received in the same manner as the largest man-of-war. England was determined to put down the Slave Trade from the African coast, and examination must be made of rivers and dhows; but apart from questions of complicity in Slave Trade, her wish was to be friendly with everybody.

We had now the means of chastising the town and taking the dhows in harbour (there were 13), but we had come to reason with him and explain matters.

I then clearly stated to the Chief the evidence tending to prove that three dhows had left his port in search of slaves on the African coast. Two of them had run their cargoes safely (one to Bali Bay), and the third had been captured by the Portuguese and brought into Mozambique. I was Her Britannic Majesty's Consul at Mozambique, and it was well he should know that the English and Portuguese Governments were of one accord to put down the Slave Trade, and that Moussa Kwantu had entered into a Convention with the latter, secured by a large deposit of ivory, not to permit slaves to be shipped from the Maravoni, Moma, &c. Besides, it was the intention of the Portuguese to occupy several posts between the Zambesi and Mozambique, and they expected more soldiers and more ships. Mayinterano was notorious at Mozambique for despatching slave-dhows to the Umfusi, Kivolane, and Kwalé (Antonio River), and if this continued, possibly he might some day have to settle matters with a Portuguese gun-boat as well as with the English. He might rely upon it this Slave Trade would be completely stopped before long, and the sooner he and his people gave up any connection with it, and devoted themselves entirely to legitimate trade, the better it would be for their safety and interest.

The Chief, a fine specimen of the Sakalava race, a man evidently accustomed to command, and possessed of no mean ability in argument, replied to us in excellent Kiswahili, excusing himself from the charge of unfriendliness to our boats, upon the score that he was, although the Chieftainship was hereditary in his family, the vassal of a Sakalava Queen, who lived on the far range of hills in the interior (visible to us from Her Majesty's ship *Thetis*). It was her belief that the English paid him money for permission to enter his port, and she had threatened to send her own men down to attack them on their next appearance, in anger at his maintaining she had been deceived by her spies.

He, personally, was not unfriendly to us, and he would send to the Queen and explain the visit of the boats to-day, and (raising his voice, so that the audience might hear clearly) any of her people here may tell her all that has passed at this interview.

He could only answer for his own men—many strangers were in the town when the *Lynx's* boats were warned away, &c.

As to being interested in the Slave Trade, he asserted that for 20 months no slaves had been landed at Mayinterano, neither, to his knowledge, had dhows left for the African coast to buy them, but he could not tell where dhows went to after leaving his port. Majunga hated Mayinterano, and other Chiefs were jealous of its prosperity and the trade that had sprung up there in ebony, wax, india-rubber, and hides. He was sorry it was believed his port was a refuge for slave-dealers, but his enemies had circulated lies.

Captain Ward rejoined that he never expected anything but flat denial from the Chief. It was so always in Slave Trade matters: what one side asserted on evidence the other side invariably met by contradiction; hence it depended on the Chief's future conduct whether we could be induced to believe in his non-complicity in the traffic. If our boats were received in an unfriendly manner, that would be taken as proof that he (the Chief) had some reason for objecting to any scrutiny of the dhows arriving or sailing from his port. The Chief must now see his weakness, and that his town and his dhows were at any time in our power.

Evidently a considerable impression had been made both upon the Chief and his followers, for in the end he promised to be responsible for good behaviour to our boats, and agreed to seize and confiscate the first slave-dhow reaching his port, and to prevent any dhows sailing from his port notoriously destined for the Slave Trade.

The interview then closed, and the boats proceeded to examine the dhows in harbour. There were two English and three French dhows out of a total of 13, the remainder being the property of the Sakalavas and unfurnished with papers. These latter might or might not have been engaged in the Slave Trade, and probably off and on had all been engaged at some time in the Traffic, but it was of course impossible to prove criminality against them (to add to other difficulties that Her Britannic Majesty's cruisers have to contend against on the Madagascar coast, no Sakalava dhows are ever provided with papers, the art of writing being unknown in the south-west ports and to the Sakalavas), and none of them were in consequence detained.

We remained in the river until the following morning (having visited the town and environs without hindrance); crossed the bar at daylight, and sailed at 10 A.M., the *Louise* being left to cruise off the river, until picked up by Her Majesty's ship *Flying Fish*, and we arrived at Mozambique on the 14th instant.

On the 15th Her Majesty's ship *Thetis* sailed for Zanzibar, and on the same day I called upon the Governor-General to give him an



account of what had passed at Mayinterano, and I am able to report that his Excellency looks upon the expedition as in direct support of his own efforts to suppress the Umfusi-Kivolane nest of slave-dealers. Coupled with the chastisement of Nos-Simbalava, and the happy explanation of Captain Ward to its Chief, I think there is every reason to anticipate that this visit will be productive of ultimate good, both in the diminution of the East Coast Slave Trade and in the future relations of Her Britannic Majesty's cruisers with the Sakalava Chiefs.

There is no Hova authority exercised at Mayinterano, or indeed at any of the ports south of Marambitzi upon the west Madagascar coast, although Hova envoys are occasionally despatched to the Queens governing the numerous tribes into which the Sakalava race is broken up. Yet at Mayinterano I found 10 Hindis, British subjects, holding slaves, and Inclosure No. 2 will show your Lordship to what an extent slave-holding by British Indian subjects is the rule both on the west coast of Madagascar and within my Consular district. At Majunga, under Hova Government, no difficulty would be experienced in giving freedom to the slaves held there, as the Hindis have already made up their minds to British interference in the matter; but I venture to think some special arrangement with the Lisbon Government would be a necessity before interfering with the settlers in the Portuguese possessions, and I therefore have carefully abstained, in my frequent conversations with the Governor-General, from entering into any question approaching to the status of the Kutchi traders resident in them.

Admiral Macdonald's mail being ordered to Mozambique by next steamer, I expect the arrival of Her Majesty's ship *Undaunted* about the 26th, accompanied by Her Majesty's ship *Philomel*. Her Majesty's ship *Flying Fish* is due here on the 27th, and Her Majesty's ship *Lynx* may be expected about the same date, being detached by Captain Ward to meet his Excellency for inspection and orders.

Her Majesty's ship *Thetis*, having news that Her Majesty's ship *Spartan* is ordered to relieve her, does not expect to return to the Mozambique Channel, and I feel I should be wrong to allow Captain Ward to quit the station without acknowledging the very attentive consideration he has been good enough to give to all my suggestions for the better suppression of the Slave Trade, and testifying to the excellent relations that have invariably existed between him, as Senior Naval Officer, and Her Britannic Majesty's Consulate for the Portuguese Possessions.

The Governor-General intends visiting the ports on the coast (so he has informed me) after the departure of Admiral Macdonald; and should nothing unforeseen arise, and the good season be prolonged,

I propose taking advantage of his absence to continue the inspection of my extensive Consular district.

*The Earl of Derby.*

F. ELTON.

(Inclosure).—*Statement of the Number of Slaves held by Banyans and Hindis, British Indian Subjects, or the Subjects of Protected Indian States, at the Town of Majunga, West Coast of Madagascar; estimated by Isa, Interpreter to Her Majesty's ship Thetis, 1876.*

	Slaves.
Sultan bin Ali (born in Madagascar) .. .. .	30
Ibrahim Sens (Kutch) .. .. .	30
Kudha Bhai .. .. .	26
Jewanji Djaffer .. .. .	6
Ramtollah Puradina .. .. .	12
Isaji Djaffer .. .. .	2
Sa'adeen (born in Madagascar) .. .. .	16
Lakha Manji .. .. .	4
Pudeena (born in Madagascar) .. .. .	3
Ramtollah (born in Madagascar) .. .. .	4
Byili (born in Madagascar) .. .. .	3
Abdul Lanji (born in Madagascar) .. .. .	2
Rajub Ali (born in Madagascar) .. .. .	6
Adamji Lakhman .. .. .	2
Ramji (born in Madagascar) .. .. .	11
Moya Bhai .. .. .	10
Jewanji Husseinji .. .. .	8
Jewa .. .. .	6
Abdullah Ali .. .. .	4
Abdullah Kareem .. .. .	6
Ibrahim .. .. .	3
Adamji Djaffer .. .. .	2
Keramji .. .. .	3
Suleimanji .. .. .	2
Ramji Kareem .. .. .	1
Walji (Kutch) .. .. .	0
Total .. .. .	202

NOTE.—At the town of Uransanga (or Mooransanga), on Rofola Bay, south of Dalrymple Bay, near the French settlement at Nossi Bé, a considerable number of slaves are held by Indians, so Lieutenant Ogle, R.N., Her Majesty's ship *Thetis*, reports.

At the French settlement of Nossi Bé itself, slaves are also held by Indians, whilst in all the Portuguese ports on the East Coast of Africa, without one exception, Banyans and Hindis, principally of Kutchi extraction, possess slaves.

At Mayinterano there are 10 Hindis established in trade, all of whom are slaveholders.

F. ELTON.

## RUSSIA.

No. 168.—*Lord A. Loftus to the Earl of Derby.*—(Rec. June 19.)

MY LORD,

St. Petersburg, June 13, 1876.

At a late interview with M. de Giers, and in conformity with the instructions of your Lordship's despatch of May 29, I communicated to his Excellency the information received from Her Majesty's Consul at Resht,\* respecting the introduction of slaves into Persia through the territory of the Caucasus from Constantinople.

His Excellency expressed his thanks for this information, and requested me to write to him on the subject. I accordingly addressed to him a note, a copy of which I have the honour to annex.

His Excellency assured me that the subject should have his earliest consideration.

I have, &c.,

*The Earl of Derby.*

AUGUSTUS LOFTUS.

(Inclosure.)—*Lord A. Loftus to M. de Giers.*

M. LE CONSEILLER PRIVÉ,

St. Petersburg, June 1<sup>st</sup>, 1876.

WITH reference to the verbal communication I lately made to your Excellency respecting the introduction of slaves into Persia through Russian territory, and in accordance with your Excellency's request, I have now the honour to communicate as follows the information which has reached Her Majesty's Government:—

It appears from a report of Her Majesty's Consul at Resht that Prince Ferhad Mirza, uncle to His Majesty the Shah of Persia, brought with him on his way through Resht from Mecca three black slaves that he had bought in the holy city of Mahommed. Two of these had been mutilated, and they all came originally from the Zanzibar dominions; but they had remained long enough in Arabia to acquire a knowledge of the Arabic language.

His Highness did not state the sum he had paid for them, but said that they had cost him much money, as slaves had risen in price since England had set her heart on stopping the supply.

The introduction of slaves into Persia through Russian territory is a novel phase in this trade; but as the Caucasus is likely to become the highway between Persia and Constantinople, it will probably not be a matter of rare occurrence to see slaves introduced in Persia by that route, if no measure is taken to put a stop to it.

Her Majesty's Consul further states that the number of negroes to be met with in the northern parts of Persia is surprising. They have hitherto been imported through the south of Persia and ~~via~~ Bagdad, and a considerable number continue to be imported through

\* Page 368.

the Persian Gulf by the Muscat Arabs; but the fact that Zanzibar slaves are to be found in the slave-markets of Mecca proves that the Jeddah dhows which frequent the port of Zanzibar are not sufficiently watched, and that they continue to smuggle slaves out of the Zanzibar dominions, under the pretence of carrying on a legitimate trade between Zanzibar and the ports of the Red Sea.

In communicating this information to your Excellency, I am instructed to state that Her Majesty's Government, deeply appreciating the feelings of humanity which have actuated the Russian Government in suppressing the Slave Trade in Asia, are fully convinced that they will devise means to put a stop to this Traffic to Persia through their territory. I avail, &c.,

*M. de Giers.*

AUGUSTUS LOFTUS.

## SPAIN.

*No. 175.—Sir J. Walsham to the Earl of Derby.—(Rec. Aug. 24.)*

MY LORD,

*La Granja, August 17, 1876.*

WITH reference to your Lordship's despatch of the 2nd instant, I have the honour to transmit herewith to your Lordship copy of a note which I have addressed to the Minister for Foreign Affairs relative to the condition of the "emancipados" in Cuba, and to the suggestion made by Her Majesty's late Acting Consul-General at the Havana for securing to this class of negroes the full benefits conceded to them under the Emancipation Act of 1870.

I had previously spoken to Señor Calderon Collantes on the subject, and his Excellency assured me that he would give it his best attention, although before consulting with his colleagues and making himself acquainted with the reports which may have been received from the Captain-General of Cuba, he could not, of course, tell me whether or not Mr. Crawford's suggestion was one that could be accepted.

I have, &c.,

*The Earl of Derby.*

JOHN WALSHAM.

*(Inclosure.)—Sir J. Walsham to Señor Calderon Collantes.*

M. LE MINISTRE,

*La Granja, August 17, 1876.*

IN the early part of the present year the Captain-General of Cuba discovered that the Law of the 4th of July, 1870,\* for the gradual abolition of slavery in the island, had been misinterpreted to the detriment of the class of negroes known as "emancipados," who had been sent to the Government depôts for fugitive slaves,

and had been compelled by the very Boards, or "Juntas," appointed for their protection, to enter into fresh contracts as slaves.

With the view of remedying this evil, which was entirely at variance with the spirit and intention of the Law of 1870, his Excellency issued the accompanying Decree of the 15th of February last.\* It was subsequently, however, found that the authorization given by Article 4 to the holders of those "emancipados," who are still deprived of their rights, to retain them on condition of paying to the Government Treasury the regulation quota, might be abused, and that, in reality, an "emancipado" might remain a slave for life.

Under these circumstances General Jovellar published a further Decree on the 20th of May last,† a copy of which I beg to inclose, imposing heavy penalties on those who hold "emancipados" in slavery.

Her Majesty's Acting Consul-General at that time, while alluding in the course of conversation with his Excellency to this subject, and to the conduct of the "Juntas" named for the protection of the "emancipados," which had led to the Captain-General's interference on the two occasions I have mentioned, ventured to suggest whether the danger of any future misinterpretation of the Law of 1870, and of the intentions of those who framed it, on the part of persons interested in evading it, might not be effectually prevented by doing away with the "Juntas," and by declaring all emancipated negroes entirely free of their control; a careful registration of the slaves and free coloured population being all that would apparently be necessary to secure proper attention being paid to the Emancipation Act of 1870.

The Captain-General said that the matter required consideration, and that it should be at once looked into.

I have been furnished by Her Majesty's Secretary of State for Foreign Affairs with copies of the reports which have been received by his Lordship from the Havana with respect to this matter; and I need scarcely assure your Excellency that Her Majesty's Government would learn with great satisfaction that the Government of the King had taken a favourable view of the suggestion for insuring in future the due execution of the Law of 1870 as regards the "emancipados."

I avail, &c.,

*Señor Calderon Collantes.*

JOHN WALSHAM.

\* Page 406.

† Page 408.

## SPAIN (HAVANA).

No. 178.—*Mr. Crawford to the Earl of Derby.*—(Received April 1.)

MY LORD,

Havana, March 4, 1876.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch of the 24th of January, with reference to Dr. Secchi's scheme for importing Indians from Venezuela into Cuba, and stating that the Venezuelan Government will not permit any such scheme to be carried out.

I have, &c.,

*The Earl of Derby.*

JOHN V. CRAWFORD.

No. 179.—*Mr. Crawford to the Earl of Derby.*—(Received April 1.)

MY LORD,

Havana, March 4, 1876.

I HAVE the honour of transmitting herewith to your Lordship a translation of General Jovellar's Edict of the 15th ultimo, regarding "emancipados," by which your Lordship will perceive that the Law of the 4th July, 1870,\* for the gradual abolition of slavery in Cuba, has been misinterpreted to the detriment of that unfortunate class, and that, as is admitted in the preamble of the Governor-General's edict, they have been sent to the Government depôts for runaway slaves, and have been obliged to contract themselves by the very Boards, or "Juntas," appointed for their protection.

The Governor-General might have also added that these contracts have been sold to the highest bidder, and that the Boards for the Protection of Freedmen ("Juntas Protectoras de Libertos") are only local Slave-Trading Committees under the authority of the Government,

The edict itself is by no means satisfactory, and indeed its 4th Article authorizes the holders of those emancipados, who are still deprived of their rights, to retain them on the condition of paying to the Government Treasury the regulation amount or quota, so that, in point of fact, the emancipado may remain enslaved for life. It is an evasion of the proper spirit of the Law of the 4th July, 1870, and I beg most respectfully to refer your Lordship to Mr. Dunlop's despatch of the 19th November, 1870,† and my despatches of the 28th July‡ and 24th October, 1871,§ and of 1st September last,|| which treat fully on the subject.

If Spain is in earnest as regards the question of slavery, why

\* Vol. LXI. Page 203.

† Vol. LXI. Page 396.

‡ Vol. LXII. Page 1064.

§ Vol. LXII. Page 1067.

|| Vol. LXVI. Page 853.

does she not order the immediate and unconditional freedom of the poor emancipados? I have, &c.,

*The Earl of Derby.*

JOHN V. CRAWFORD.

(*Inclosure.*)—*General Jovellar's Edict regarding "Emancipados."*  
(Translation.)

HAVING noticed that the Government Circular of the 22nd April, 1873, regarding "emancipados" has been interpreted in divers ways by some of the District Boards for the Protection of Freedmen, whilst others confound the emancipados with the freedmen (libertos); and the Law of 4th July, 1870, referring to them only in the second paragraph of its 5th Article, in order to declare that they shall at once enjoy the rights of those born free ("ingénuos"), it being also ordered by Article 13 that they are to remain under the protection of the State, said protection being limited to furnish them with the means of earning their livelihood without in any way interfering with their liberty; and whereas, owing to this erroneous interpretation, the said Boards send the "emancipados" to the Government depôts and force them to contract, or to submit themselves to their patronage, which is contrary to the spirit and letter of the said Law of the 4th July, 1870;

The consultation addressed to this Government by the Central Board for the Protection of Freedmen on the 18th October last having been considered, in conformity therewith, and coinciding with what has been proposed by the Government Secretary's Department, I have resolved:—

1. The negroes called "emancipados," according to the second paragraph of Article 5 of the Law of 4th July, 1870, were placed on the same footing as the freeborn ("ingénuos"), and had the right, and may, like the latter, enter into such contracts regarding their own persons as best suits them; nevertheless, those who have contracted any legal compromise are bound to fulfil it.

2. As a consequence of the foregoing declaration, the said "emancipados" must not be sent to the depôts. Those now there are only to be detained the time indispensably necessary for their identification.

3. Whenever the "emancipados" consider themselves wronged, they can appeal to the ordinary Courts for justice, without prejudice to their right of soliciting the protection referred to in Article 13 of said Law.

4. In order to legalize the situation of the "emancipados" who are at present deprived of the rights which were conceded to them (and it appearing by the records of this Government that there are some in this case, because their respective patrons have not declared

their situation, or have not presented these "emancipados" for the purpose of providing them with their corresponding papers), repeating what is ordered, the holders of these negroes will continue paying to the Revenue the appointed quotas or portion of their hire for all the time they keep them in this state, without prejudice to the responsibility that they may incur by so doing, reserving to the "emancipados" their right to claim from said holders what may be due.

5. Governors and Lieutenant-Governors will facilitate free papers to those "emancipados" who may not have any, reporting to this Government-General so as to record the same and to notify the Revenue, taking special care to identify their persons before granting said free papers, for which purpose they will apply to this Government for the required data,

6. This Decree will be published in the Official Gazette, that it may become known and be punctually observed.

*Havana, February 15, 1876.*

JOAQUIN JOVELLAR.

*No. 180.—Mr. Crawford to the Earl of Derby.—(Rec. March 29.)*

MY LORD,

*Havana, March 11, 1876.*

WITH reference to my despatch of the 4th instant, inclosing a copy of General Jovellar's Edict of the 15th February regarding "emancipados," I have the honour of reporting to your Lordship that I have, in conversation, pointed out to his Excellency the very unsatisfactory nature of that Decree, and the misinterpretation which was applicable to its 4th Article, and which would be most assuredly availed of by the holders, or patrons, of emancipados to maintain them in servitude.

I also stated that it would be only fair, and at the same time a palpable proof of the Spanish Government's earnest desire to further the work of emancipation of the slaves in Cuba, if his Excellency would order the entire liberty of the class of negroes known as emancipados, freeing them from all control of Boards or Juntas of any kind,

The Government Secretary said that the matter required consideration, and that it would be at once looked into.

I have, &c.,

*The Earl of Derby.*

JOHN V. CRAWFORD.

*No. 181.—Mr. Crawford to the Earl of Derby.—(Received June 28.)*

MY LORD,

*Havana, May 22, 1876.*

WITH reference to my despatches of the 4th and 11th March regarding emancipados, I have now the honour of transmitting here-



with to your Lordship a copy and translation of a further Decree issued by General Jovellar on the 20th instant, by which it will be noticed that the 4th Article of his Excellency's Edict of the 15th February last, to which I objected and called his attention, has been so far rectified that nobody can now hold an emancipado in slavery without incurring serious penalties.

This is no doubt in a certain measure satisfactory, but it would be far more so if the Spanish Government would do away with both the "Junta de Colonizacion" and the "Juntas de Libertos" by declaring all emancipated negroes entirely free of the control of these unnecessary and very obnoxious institutions.

All that is required to secure the proper execution of "The Gradual Emancipation Act of the 4th July, 1870," is a careful registration of the slaves and free coloured population.

I have, &c.,

*The Earl of Derby.*

JOHN V. CRAWFORD.

(Inclosure.)—General Jovellar's Decree of May 20, 1876.

(Translation.)

As amplification of my Decree of the 15th February last regarding emancipados, I have ordered as follows:—

1. Every patron or person who is even not a patron who infringes what has been repeatedly decreed by keeping in his possession any negro of this class without his free papers, besides incurring the penalties established and paying to the revenue the quotas of wages earned up to the date said documents are granted, must pay to the emancipado or emancipados what is due to them as free labourers, counting from the date on which it was ordered that they should be presented, their patronage having ceased; and those persons, patrons or not patrons, who, after the expiration of one month from the publication of this Decree in the "Gazette," continue disobeying the law shall be also handed over to the Tribunals for the punishment they may deserve for occultation.

2. The emancipados who lack the cedula which, as free men, they ought to have, will apply to the respective Governors, Lieutenant-Governors, or Mayors, in order that this document may be furnished to them with the formalities prescribed in the 5th Article of the said Decree of the 15th February.

JOAQUIN JOVELLAR

*Havana, May 20, 1876.*

## SPAIN (PUERTO RICO).

No. 182.—*Consul Pauli to the Earl of Derby.*—(Received May 20.)

MY LORD,

*Puerto Rico, April 26, 1876.*

THE official "Gazette" of the 18th instant publishes a notice to all the Alcaldes of the island that on the 20th instant all libertos now under contract are entitled to their civil rights, and are to be provided with a cedula, for which they will have to pay 1 peseta (about 10d.). The reason given for making any charge is that by so doing they will be placed on a more perfect equality with their fellow-subjects who have never been subjected to slavery, and who have to pay for their cedulas.

A long Circular is also published, containing advice to those now entering on their civil rights, and directing the Alcaldes to impress upon them the necessity of complying with all the obligations of society; and appealing to the owners of estates on which the libertos had been contracted to continue to find them work and to allow them to use the houses which they now inhabit for the present. At the same time Alcaldes are reminded that by the Law of the 22nd March, 1873,\* Article 7, these men will not obtain their political rights until the 22nd March, 1878.

The Law of Abolition has so far been strictly complied with in letter, and it remains to be seen if the spirit of the Act be also carried out, I have no reason to doubt this; but in the same "Gazette" an order is given to all Alcaldes, local authorities, guardia civiles, and police in general, to apply with the greatest rigour the Vagrant Act of April 15, 1874.

This Act, although to a certain extent necessary in consequence of the disposition to idleness of many of the inhabitants, contains some Articles describing those who will be considered as vagrants, which appear to me liable to abuse.

Clause 1 states:—That all those who have no income, lawful profession, employment, or lucrative and known occupation, are vagrants.

Clause 2. Those having lawful occupation who do not devote themselves habitually to work will be in the same category.

Clause 3. Also those who gain wages by regular labour, but who frequent in working hours cafés, taverns, or other places of recreation.

The punishment is not very severe. For the first offence, the person has to appear before the local authority, and is admonished; for the second offence, eight days' labour on public works; and for

\* Vol. LXV. Page 339.

the third, 15 days and a fine of 50 pesetas ; in default of payment, one day's forced labour for every 5 pesetas of fines.

We are also promised a new Project of Law, which has been sent to Madrid for approval, viz., "For regulating the relations between Capital and Labour."

I will continue to keep your Lordship informed on these matters, and report on the condition of the freedmen throughout the island, as soon as I am able to visit the Vice-Consular districts.

I have, &c.,

*The Earl of Derby.*

W. B. PAULI.

## TRIPOLI.

*No. 184.—Mr. Bourke to Consul-General F. Drummond-Hay.*

SIR,

*Foreign Office, February 1, 1876.*

I AM directed by the Earl of Derby to transmit to you herewith, for your information, a copy of a despatch from Her Majesty's Consul at Bengazi,\* reporting upon his recent expedition to Jalo, and upon the Slave Trade which is being carried on through that place from Wadai to Barbary.

You will perceive that the Governor of Bengazi has suggested to Mr. Consul Henderson that a military force should be stationed at Jalo in order to check the Traffic in question, and that he has informed Her Majesty's Consul that he had proposed this measure to his own Government, whilst he has, moreover, expressed his belief that the Porte would at once assent to the proposal should it be supported by Her Majesty's Ambassador at Constantinople.

But before making any representations to the Turkish Government upon the subject, Lord Derby would be glad to receive a report from you in regard to the transport of slaves to the ports of Tripoli and Barbary by the caravan routes converging at Ghadamee, from which place, as you are aware, Her Majesty's Government some time since withdrew the Vice-Consul who was formerly established for the suppression of the Slave Trade.

You will accordingly furnish his Lordship with all the information which you may be able to obtain upon this matter, and forward your report with as little delay as possible.

I am, &c.,

*F. Drummond-Hay, Esq.*

R. BOURKE.

\* Page 412.

No. 185.—*Consul-General Drummond-Hay to the Earl of Derby.*—  
(Received March 16.)

MY LORD,

*Tripoli, Barbary, February 22, 1876.*

I HAVE the honour to acknowledge the receipt of Mr. Bourke's despatch of the 1st instant, transmitting a copy of Mr. Consul Henderson's Report upon the Slave Trade which is carried on from Wadai to Barbary through Jalo; and, in compliance with your Lordship's instructions to me to report upon the transport of slaves to the ports of Tripoli and Barbary by the caravan routes converging at Ghadames, I have the honour to state that the transport of slaves by these routes has for some time past been gradually falling off, and at the present time it would appear, from all the information I have been able to gather on the subject, that not more than from five to ten slaves are brought to Ghadames from the Soudan by each of the two caravans yearly arriving at that place. These slaves, as a rule, are no longer brought down directly to the ports on the coast, as was formerly the case, but are generally disposed of to Arabs and Turks in the interior of the province, in whose service they acquire the language of the country, and after a time are no longer distinguishable from ordinary domestic slaves, and ultimately many of them find their way to Constantinople and other parts of Turkey as such.

The Slave Traffic with the interior by these routes has gradually been supplanted by the steadily-increasing trade in ostrich feathers and ivory, the merchants who carry on the trade with the interior of the continent having realized the fact that legitimate trade in the latter products, while proving very remunerative, is attended with less trouble and expense, and does not involve the risk of total loss, as is the case in the transport of slaves from death on the journey, or their liberation on reaching the coast before purchasers are found.

I learn, however, that slaves in considerable numbers are still brought to Murzook from Bornu, upwards of 100 having reached the former place about two months ago by the only caravan from the interior during the last 12 months. The greater part of these were, it is said, taken to Jalo, and the remainder either disposed of as is done with those arriving at Ghadames, or, as is often the case, clandestinely brought down in small numbers at a time and shipped at Tlisten, Mesurata, and other parts of the coast, for Turkish and occasionally for Tunisian ports, or sold in secret to Turkish officials and others, and immured in their houses.

There is a military force stationed at Murzook of 250 men under the command of a colonel.

I have, &c.,

*The Earl of Derby.*

F. R. DRUMMOND-HAY.

## TRIPOLI (BENGAZI).

*No. 186.—Consul Henderson to the Earl of Derby.—(Received  
January 24, 1876.)*

MY LORD,

*Bengazi, December 24, 1875.*

WITH reference to Mr. Lister's despatch of 31st August last,\* I have the honour to report to your Lordship that, availing myself of the sanction contained therein to visit the slave-entrepôt of Jalo, I accomplished this journey last month, Mr. Xerri having acted for me during my absence.

At the last moment many obstacles were put in the way to prevent my making the journey, and the Governor, much to my surprise and disappointment, declined to accompany me, as he had volunteered to do, alleging the road to be too dangerous, the season to be unfavourable, and various other excuses too frivolous to be worth a moment's consideration, but promising if I would postpone my journey for a month or two to accompany me without fail.

I determined to go without him, as a favourable opportunity presented itself for enabling me to meet a large caravan which had arrived at Koffra from Wadai, and which was expected to arrive at Jalo about the same time as I had calculated I would arrive at that place myself, and it was to prevent my attaining this object that so many difficulties were placed in my way.

When the Pasha found that his refusal to accompany me in no way changed my determination, he formally protested against my going, refused to give me the usual escort, and hinted at detaining me by force. I, however, provided my own escort, and left Bengazi on October 28. After my departure the Pasha, thinking better of his refusal, sent an escort after me, which, although it increased the expense of the journey considerably, was very useful to me.

I was most desirous to inspect this caravan from Wadai, in order to see and judge for myself if the various accounts which had reached me of the deplorable condition of the negroes on their arrival, and the excessive cruelty of their masters, was exaggerated or not.

The slave-dealers at Jalo considered my presence there as a most unwarrantable intrusion on a locality sacred to slavery, and previous to my arrival had held a meeting at which it was resolved that I should not be permitted to enter the oasis at all. On my arrival, however, their resolution quite failed them, and after reading the Sultan's Firman to the principal Sheiks, all opposition ceased, and

they received me hospitably, and placed every facility at my disposal for visiting the different villages in the oasis.

The caravan had arrived two days before me, and I was unable, therefore, to verify by personal observation the exact number of slaves it brought, but I saw and learnt quite enough to convince me of the magnitude and atrocity of the Slave Trade at this place.

I was informed that 252 slaves had arrived with this caravan, but I can only assert that it brought 118, as I was enabled to verify this number myself.

I quite believe that the former number is in no way magnified; but owing to the shortness of the time at my disposal, and the unwillingness of the people to give me any information on this subject, I could not verify this number. I therefore confine myself to the smaller number, as I am averse to making a statement of this kind unless I am satisfied of its accuracy.

Two hours before entering the oasis we met four slaves in charge of an Arab on their way to Oyla, and as we entered the palm groves we met another Arab leading a female slave by a rope tied round her waist. These slaves had arrived by the caravan. A little further on some 10 or 12 were crouching round a well. I went up and examined them; they had also arrived by the caravan, and could not speak a word of Arabic.

They were emaciated to mere skeletons, their long thin legs and arms, and the apparently unnatural size and prominence of their knees, elbows, and hands and feet, giving them a most repulsive and shocking appearance, and I have never seen in all my life a more distressing spectacle than they presented. I have seen the slaves in Cuba and in Brazil, but their very value in those countries insures their being well fed and well treated. The poor creatures who are brought to Jalo from the interior do not fetch more than 10*l*. or 12*l*., and if one out of every three reaches Jalo alive, the owner still realizes a profit which amply repays him for all his risks, as the cost of a slave in Wadai is from three pieces of calico upwards.

Twenty-three degrees these miserable beings traverse on foot, naked, under a burning sun, with a cup of water and a handful of maize every 12 hours for their support. For 14 days, between Tukkrü and Jahieda, not a drop of water is found, and the caravan pursues its weary journey, depending for its very existence on the girbas which have been filled up at the wells of Tukkrü. Thirst and hunger in vain lessen the number of the exhausted negroes, in vain they drop down wayworn and fainting on the dreary journey to die a frightful death in the desert. The market at Jalo must be supplied, and supplied it is, but at what a cost of human life.

The journey from Warah, the capital of Wadai, to Jalo, is one

of unparalleled hardship and fatigue, and cannot be accomplished under three months, two being consumed in actual travel. To Koffra the distance is about 50 days' journey. The distances, in days' journey, between the intermediate resting-places on the route, are, as described to me by the couriers, as follows:—

	Days' journey.
From Warah, the capital of Wadai to Arada .. ..	3
Arada to Kaslimar.. ..	2
Kaslimar to Umashaluba .. ..	3
Umashaluba to Swalla .. ..	5
Swalla to Millundam .. ..	3
Millundam to Wayta .. ..	2
Wayta to Arraggia.. ..	2
Arraggia to Bedalo.. ..	4
Bedalo to Wayjauco .. ..	3
Wayjauco to Tuk kru .. ..	3
Tuk kru to Jahieda.. ..	14
Jahieda to Jebabo .. ..	2
Jebabo to Hattrra .. ..	5
Hattrra to Koffra .. ..	2
Koffra to Jalo .. ..	8

From Koffra to Jalo is eight days' journey, without water, over a trackless desert. The caravans during this part of the journey are obliged to travel day and night, the guide alone receiving from 60 to 100 dollars for a single journey.

Jalo is the most important oasis in this group. Its population cannot number less than 8,000. The inhabitants are a fanatical and intolerant set, of Berber origin, retaining to this day in language and appearance a marked distinction from the surrounding Bedouin tribes.

Their oasis being the starting-point and terminus of the numerous caravans to and from Wadai and Bornu is the centre of a large and valuable trade, and the inhabitants are all well-to-do, and many of them very wealthy. Last year a Maltese trader joined an Arab in a speculation to Wadai. They sent goods to the value of 2,000*l.*, and after 14 months they realized 18,000*l.*, by the sale of the ostrich feathers and ivory for which they bartered their goods.

During the past four months six large caravans have left for Wadai, and as the route becomes better known its difficulties will be more easily overcome, and a corresponding development of this lucrative trade will doubtless take place. The trade is in the hands of the Arabs, and its ever-increasing proportions will certainly cause a relative increase in the Traffic in Slaves. If one or two good examples were made, and the whole of the slaves seized at Jalo on the arrival of the caravan, the Arabs would find out to their cost that it neither paid nor was safe to bring them, and that ostrich feathers and ivory neither died during the journey nor necessitated an addi-

tional provision of water and maize, and that in the end they yielded a much more certain profit than negroes.

The caravans usually remain at Jalo for a month or two, in order that the Arabs and slaves may recover from the effects of their long journey. During this interval the slaves improve in condition, they are taught a few sentences of Arabic, and receive an outfit of a ma'raka, or white cotton skull-cap, and a long blue cotton sourieh, or shirt with long sleeves. Many are bought by the brokers at Jalo, who send them on to Bengazi in lots of eight to ten at a time; others are sent on to Egypt *via* Siwah. The greater number, at present, are brought here, as the Egyptian Government acts more energetically, and has greater means at its disposal for checking the Traffic than the Governor of such a remote Turkish province as that of Bengazi.

I was fortunate enough to procure the names of the owners of the 118 slaves already mentioned as having arrived from Wadai, and immediately on my return to Bengazi I handed the list of 48 names to the Governor, who promised to take steps to capture them on their arrival here. Many have been smuggled into the town during the last fortnight, but only three have as yet been captured and liberated.

The difficulty when many are captured and liberated at the same time is what to do with them. It is impossible to turn the poor creatures out in the streets to be again kidnapped and sold, and I have hitherto maintained them at my own cost till I could find employment for them. The Turks, as a rule, treat them well. They are well clothed and well fed; and, if torn from their own country, they are at least removed from its idolatries and ignorance, as the first care of a Moslem (who in this respect is infinitely superior to his more highly-educated and polished fellow of the Western Hemisphere) is to teach them a religion which assures them that there is a God, and that men of all colours are alike His children and equal in His eyes. When I say this, I do not mean that it in any way mitigates the horrors of the Slave Trade, or lessens the privations to which the slaves are exposed before reaching this comparative state of happiness.

The Arabs, on the other hand, treat their slaves badly; and, no matter what obligations they may enter into to pay liberated slaves wages, they take the first opportunity to sell them.

I have had several long conferences with the Pasha since my return, and we have agreed that the only way to check this Traffic is to station a small military force, which need not consist of more than, say 100 men, at Jalo. This would only be a temporary measure until the great changes which are taking place in the interior become accomplished facts, and until a neighbouring potentate is in a position to check the Traffic at its very fountain-head.



The Pasha informed me verbally, however, that he has proposed this measure to his own Government, and expressed to me his belief that the Porte would at once assent to the proposal, were it seconded and supported by Her Majesty's Ambassador at Constantinople.

Sir Henry Elliot is much more competent than I am to form an opinion as to the expediency of recommending this course at present, and I only repeat the suggestion as it was put into my mouth.

I would mention to your Lordship a circumstance which may probably be of some interest taken in connection with the Slave Trade. For some time past large quantities of gunpowder have been brought to Bengazi, and there has been much speculation here as to its destination.

I found out at Jalo that this gunpowder is being regularly and expeditiously conveyed to Wadai, and the natives made no secret of the purpose for which it is intended.

This purpose is one with which we can have no sympathy, and it is remarkable that the local authorities here are tolerating the introduction of this gunpowder, notwithstanding the severe prohibitory laws, and its being contraband by Treaty.

If I have been unable to altogether stop the Traffic in Slaves at Bengazi, I have at least succeeded in wresting the trade to the Levant out of the hands of the Arabs, and this of itself is a step in the right direction, because, as I have before said, the Turks treat their slaves far more humanely than the Arabs; and, although the trade is still carried on by the Turks, it is not accompanied with the same cruelty, nor, I am glad to say, to the same extent as formerly.

I have put the Local Government in possession of the names of the slave-dealers, of the positions of the slave-dépôts, and, in short, of the whole particulars and organization of the trade to its minutest details.

I have now accomplished my by no means agreeable task, and I venture to hope that my unworthy efforts may meet with your Lordship's approval.

I have, &c.,

*The Earl of Derby.*

P. HENDERSON.

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*No. 188.—Mr. Lister to Consul Henderson.*

SIR,

*Foreign Office, March 23, 1876.*

WITH reference to my despatch of the 1st ultimo, I am directed by the Earl of Derby to acquaint you that Her Majesty's Ambassador at Constantinople has reported to his Lordship that he has communicated to Raschid Pasha an abstract of your despatch of the 24th December last, reporting your visit to the slave-entrepôt at Jalo, and that he has strongly supported the suggestion that a detachment of soldiers should be sent to that place to confiscate the caravans as they arrived.

His Excellency further states that Raschid Pasha promised that this suggestion should be taken into consideration.

In the event, therefore, of any steps being taken to stop these caravans, you will be careful to report to this Department the result of the action adopted by the Ottoman authorities in the matter.

I am, &c.,

P. Henderson, Esq.

T. V. LISTER.

No. 189.—*Consul Henderson to the Earl of Derby.*—(Rec. July 3.)

MY LORD,

Bengazi, June 20, 1876.

WITH reference to previous correspondence on the subject of the Slave Trade, I have now the honour to report to your Lordship that during the last six months no exportation of slaves has been effected from this port by sea.

A few manumitted slaves left in the suite of the late Governor, but they were liberated before leaving Bengazi, and regular manumission papers were handed to each at Canea by Raouf Pasha.

In reporting to your Lordship the gratifying intelligence of the interruption of this traffic by sea, I think I can assure your Lordship that, as regards Bengazi, the exportation of slaves to the Levant by sea is at an end.

I have, &c.,

The Earl of Derby.

P. HENDERSON.

## TURKEY.

No. 191.—*Sir H. Elliot to the Earl of Derby.*—(Rec. March 10.)

MY LORD,

Constantinople, February 21, 1876.

I HAVE communicated to Raschid Pasha an abstract of Mr. Consul Henderson's despatch to your Lordship of the 24th of December,\* reporting his visit to the slave-entrepôt at Jalo, and I strongly supported the suggestion that a detachment of soldiers should be sent to that place to confiscate the caravans as they arrived.

Raschid Pasha promised that the suggestion shall be taken into consideration.

Mr. Henderson's despatch did not reach me till a few days ago.

I have, &c.,

The Earl of Derby.

HENRY ELLIOT.

No. 195.—*The Earl of Derby to Sir H. Elliot.*

SIR,

Foreign Office, June 18, 1876.

I TRANSMIT to your Excellency herewith copies of a correspond-

\* Page 412.

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ence on the subject of the inquiries which it has been found necessary to make into the status of persons passing through Malta who may be suspected of being slaves.

It is evident that the concessions already made in this matter out of deference to the remonstrances of the Turkish Government have been abused for Slave Trade purposes, and under these circumstances Her Majesty's Government have felt it their duty to establish a system of inspection by female agents, to be deputed by the authorities of Malta, which it is hoped will obviate the evil in question, without furnishing any well-grounded cause of complaint to the Turkish Government.

I have accordingly to request that, in communicating the substance of the accompanying correspondence to the Turkish Government, your Excellency will draw their attention to the circumstances under which Her Majesty's Government have felt themselves compelled to have recourse to the services of a female agent with the view to prevent the use of Malta as a port of transshipment in connection with Slave Traffic between Tripoli and the European or Asiatic ports of Turkey.

I am, &c.,

Sir H. Elliot.

DERBY.

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(Inclosure 1.)—*Mr. Herbert to Mr. Lister.*

SIR,

*Downing Street, May 3, 1876.*

IN reference to the letter from this Office of the 23rd of February, inclosing a despatch from Sir Charles Van Straubenzee of the 1st of February, I am directed by the Earl of Carnarvon to transmit to you, to be laid before the Earl of Derby, the inclosed copy of a despatch from Sir Charles Van Straubenzee of the 10th of April, from which it appears that the black man Mahomet (No. 8) who passed through Malta in December, 1875, with the black woman Radmy or Aischa, whom he alleges to be his wife, passed through Malta again in February with two other black women whom he alleged one to be a wife and the other a daughter, giving at that time an account of his other alleged wife inconsistent with that given by him in December.

Lord Carnarvon concurs in the opinion formed by the local authorities that this man is a slave-dealer or the agent of such a dealer; and he considers the incident as corroborating the well-founded belief that Malta is frequently resorted to as a port of transshipment, not only by Turkish subjects taking with them their domestic slaves or servants being members of their household, but also by regular slave-dealers in furtherance of their general occupation between Tripoli and the European or Asiatic ports of Turkey.

In 1874, Sir A. Dingli, the Crown Advocate of Malta, proposed a draft Ordinance intended to prevent the introduction of female

slaves into Malta, and in a letter to the Foreign Office of the 5th of August Lord Carnarvon expressed himself inclined to the enactment of some measure similar in principle to that proposed by Sir A. Dingle; but upon consideration of certain objections, chiefly of detail, raised in a report from the Law Officers, forwarded in your letter of the 9th October, his Lordship decided not to direct the Ordinance to be further proceeded with, expressing at the same time a hope that a strict examination of a ship's papers and a careful inquiry into the status of persons arriving from Africa might be found effectual for the suppression of the Traffic in Slaves.

In a despatch of the 28th September, 1875, Sir Charles Van Straubenzee took occasion to comment upon the fruitless nature of these inquiries, and the reports of Mr. Consul Drummond-Hay and Mr. Vice-Consul Henderson strongly bear out the view of the Governor of Malta that the declarations on the part of supposed slaves of their willingness to continue their journey are worthless as evidencing any real condition of liberty, because those declarations are induced by the most outrageous falsehoods on the part of the dealers.

In these circumstances Lord Carnarvon has come to the conclusion that the institution of an inquiry by the police authorities, however searching it may be, has been shown by experience to be ineffectual for the purpose of preventing the Slave Traffic being carried on through Malta, and he would propose, with Lord Derby's concurrence, to instruct the Governor to refer the matter again to the Crown Advocate, with a view to the preparation of an Ordinance similar in principle to the draft Ordinance of 1874, but avoiding those defects of detail commented on by the Law Officers of the Crown. The fact that the slaves on their journey from Barbary to Constantinople are actually landed in Malta, lodged for some days in Maltese lodging-houses, and re-embarked at Malta generally in British ships, makes the case, in Lord Carnarvon's opinion, a very strong one for interference. The Slave Traffic itself appears to be very limited, and if the dealers are prevented from touching at Malta, it may be hoped that it will cease to be carried on from Tripoli, as it would not of itself be sufficient to support a line of steamers direct to Smyrna and Constantinople.

I am to annex, for convenience of reference, a proof, including some papers referred to in this letter which were laid before the Royal Commission on the reception of slaves in territorial waters.

I am, &c.,

*T. V. Lister, Esq.*

ROBERT G. W. HERBERT.

(Inclosure 5.)—*The Adjutant of Police to the Superintendent of Police.*

SIR,

*Police Office, Valetta, April 3, 1876.*

I BEG to transmit herewith, for your information, some remarks I have made in regard to, and the declaration I have been able to obtain from, Africans arrived on the 31st ultimo from Tripoli in the Ottoman steamer *Trabulus Garb*, and in the English steamer *Circe*, the number of individuals on board each vessel being as follows:—by *Trabulus Garb*, 26; by *Circe*, 18.

Several of these persons when called as usual to this office in order to be separately questioned by me respecting their status, have (although entirely covered with a thick drab and wearing a thick dark veil on their faces), not only positively declined to answer any of the questions put to them in the Arabic, Turkish, and Moorish languages, but also refused to show the colour of their skin by uncovering at least their hands, and therefore, under these circumstances, I am unable to say or guess either their sex, age, or colour.

Taking into consideration the report of the marine police officer who went on board the two vessels soon after their arrival, and before they were admitted to pratique, it appears that the leaders of these parties had concerted between themselves a plan for concealing as much as practicable the colour of those they had under their charge, and for making them decline to answer any of the questions which might be put to them; since, contrary to all precedents, when that officer stepped on board, these women were already wrapped up in their habiliments, each wearing a very thick veil, and they immediately, when spoken to, one and all refused to answer, which deportment obliged that officer to return to the station without even being able to obtain their names.

The attitude which these individuals assumed on board the steamers in the presence of the marine police officer was maintained by them also in this office whilst they were being interrogated by me, and should this behaviour be allowed to continue and be established as a rule for all future arrivals, I apprehend that serious consequences will ensue. No officer, bearer of a warrant of arrest of delinquents or of warrants of *impedimento di partenza* of debtors, will be responsible for either the delinquent's or the debtor's escape from the island, when no opportunity of taking the names and of knowing personally the individuals arriving and leaving this island is afforded in order to ascertain their identity.

Arrivals of persons of the above class will henceforth be very numerous, there being at present three steamers plying between this island and Tripoli, viz., the *Allegra*, the *Trabulus Garb*, and the *Circe*.

The interpreters employed on this occasion were, Sergeant Salvators Cassar, of the Interior Police, for the Turkish language, and Miss Antoina Vidal for the Moorish.

I have, &c.,

GIACOMO PSAILA, *Adjutant*.

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(*Inclosure 6.*)—*Declaration by Adjutant of Police.—Valetta, April 8, 1876.*

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No. 198.—*Sir H. Elliot to the Earl of Derby.—(Rec. August 11.)*

MY LORD,

*Therapia, July 29, 1876.*

WITH reference to your Lordship's despatch of the 12th instant, I have the honour to transmit herewith the copy of a note which I have addressed to Safvet Pasha on the subject of the increase of Slave Traffic at Jeddah.

I have, &c.,

*The Earl of Derby.*

HENRY ELLIOT.

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(*Inclosure.*)—*Sir H. Elliot to Safvet Pasha.*

SIR,

*Therapia, July 22, 1876.*

HER Majesty's Consul at Jeddah has reported to Her Majesty's Government that Slave Trade operations have of late greatly increased at that port. He states that buggalows under Turkish colours now fearlessly enter the port, and in broad daylight land their cargoes of slaves, and that the Quarantine authorities levy a fee of 10 piastres on each slave when they are passed through the Custom-house gate into the town.

To satisfy himself of this being the truth, Mr. Beyts proceeded with the British Vice-Consul, Mr. Wylde, and the Consular Dragoman, to the Custom-house gate which faces the town, and there at noon-day they saw and counted a batch of slaves, boys and girls, numbering 96, who had just been landed, and were being driven through the gate like a flock of sheep.

I have been instructed by Her Majesty's Government to bring these circumstances to the knowledge of the Porte, and to strongly remonstrate against this undisguised violation by the Turkish authorities at Jeddah of the orders for the suppression of the Slave Trade, by which they should be guided.

Your Excellency will doubtless see the necessity of adopting stringent measures with a view of putting a stop to these infamous proceedings, and I trust that you will put me in a position to assure Her Majesty's Government that such of the Imperial authorities as may have connived at them shall be dealt with as such misconduct deserves.

I have, &c.,

*Safvet Pasha.*

HENRY ELLIOT.

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No. 199.—*Sir H. Elliot to the Earl of Derby.*—(Rec. August 11.)

MY LORD,

*Therapia, August 1, 1876.*

WITH reference to your Lordship's despatches of the 13th and 19th of June, I have the honour to inclose the copy of a note from Safvet Pasha, expressing the thanks of the Porte for the arrangement made by Her Majesty's Government for the examination of Mussulman women at Malta.

I have, &c.,

*The Earl of Derby.*

HENRY ELLIOT.

(*Inclosure.*)—*Safvet Pasha to Sir H. Elliot.*

M. L'AMBASSADEUR,

*Sublime Porte, le 31 Juillet, 1876.*

J'AI reçu la note que votre Excellence m'a fait l'honneur de m'écrire le 30 Juin, pour m'informer de la nouvelle mesure décrétée par le Gouvernement de Sa Majesté Britannique relativement aux familles Musulmanes de passage à Malte.

En remerciant votre Excellence d'avoir bien voulu provoquer cette mesure, qui écartera plus d'un inconvénient, je m'empresse de l'informer que j'ai eu soin de la porter à la connaissance du Consulat-Général Impérial à Malte.

Veillez, &c.,

*Sir H. Elliot.*

SAFVET.

## TURKEY (JEDDAH).

No. 208.—*Consul Beyts to the Earl of Derby.*—(Received March 25.)

MY LORD,

*Jeddah, March 17, 1876.*

I HAVE the honour to acknowledge receipt of the Foreign Office despatch of the 25th ultimo, with its inclosure dated the 12th of the same month from Consul Cumberbatch at Smyrna,\* who had reported to your Lordship that the British steamer *Annie Smith* arrived at Smyrna from Jeddah on the 9th February, with 18 young African slaves on board, 4 of whom were landed there, and the remaining 9 conveyed to Constantinople, in which your Lordship instructs me to report under what circumstances these slaves were shipped on board of a British ship.

In obedience to your Lordship's command I have the honour to state that the 18 slaves alluded to left Jeddah without my knowledge, but that African slaves are usually shipped from Jeddah and Hodeida with passes from the authorities, stating them to be the families or servants of the passengers.

In the instance under notice, the steamer *Annie Smith* left Jeddah with a large number of pilgrims for the Mediterranean ports,

\* Page 424.

and the slaves must have been furnished with passenger tickets and received on board as servants attending their masters.

As pilgrims are permitted to embark at all times during the day or night, without any check from the shore, the slaves might easily have been passed on board without recognition on the part of the master or officers of the vessel.

I beg to submit that the departure of these slaves from Jeddah was not reported to me, and it is very difficult to obtain such information, especially during the pilgrimage season, when thousands of pilgrims are daily leaving. The only persons who have the means of correctly ascertaining the arrivals and departure of slaves are the Quarantine authorities, whose business it is to inspect all vessels arriving at and leaving Jeddah, and count the number of passengers, but I regret to say they do not appear to be willing to report such matters to me.

I have, &c.,

*The Earl of Derby.*

G. BEYTS.

*No. 210.—Consul Beyts to the Earl of Derby.—(Received June 19.)*

MY LORD,

*Jeddah, May 30, 1876.*

It becomes my duty to report that Slave Trade operations have increased much of late. Buggalows under Turkish colours now fearlessly enter the port, and in broad daylight land their cargoes of slaves. The Quarantine levy a fee of 10 piastres on each slave when they are passed through the Custom-house gate into the town.

To satisfy myself of this being the truth, I proceeded, in company with the Vice-Consul, Mr. Wylde, and the Consular Dragoman, to the Custom-house gate which faces the town, and there at noon-day we saw and counted a batch of slaves—boys and girls—numbering 96, who were just landed and being driven through the gate like a flock of sheep.

I immediately addressed a letter of remonstrance to the Acting Governor.

I have, &c.,

*The Earl of Derby.*

G. BEYTS.

## TURKEY (SMYRNA).

*No. 212.—Consul Cumberbatch to the Earl of Derby.—(Rec. Feb. 21.)*

MY LORD,

*Smyrna, February 11, 1876.*

I HAVE the honour to acquaint your Lordship I was informed that there were 10 slaves on board the Austrian steamer *Memphis*.

I immediately acquainted my Austrian colleague of the fact, who assures me that the said steamer had weighed anchor before his



representative arrived on board, and that he therefore notified the fact by telegram to the Austro-Hungarian Minister at Constantinople.

I have the honour also to report that, on the same day, three slaves were discovered on board the Russian steamer *Odessa*, from Egypt, of which circumstance I acquainted the Russian Consul at Smyrna, who took steps to desire the captain of this vessel to report the fact to the Russian authorities at Constantinople.

I have, &c.,

*The Earl of Derby.*

ROBT. WM. CUMBERBATCH.

*No. 213.—Consul Cumberbatch to the Earl of Derby.—(Rec. Feb. 21.)*

MY LORD,

*Smyrna, February 12, 1876.*

I HAVE the honour to acquaint your Lordship that the British steamer *Annie Smith* arrived at this port from Jeddah on the 9th instant, with 18 young African slaves on board, 4 of whom were landed here and secured by the Turkish authorities; the remaining 9 slaves proceeded in the same vessel to Constantinople, of which fact I apprized Her Majesty's Ambassador, as well as Her Majesty's Consul at Jeddah.

I have, &c.,

*The Earl of Derby.*

ROBT. WM. CUMBERBATCH.

*No. 218.—Acting Consul Joly to the Earl of Derby.—(Rec. July 21.)*

MY LORD,

*Smyrna, July 14, 1876.*

I HAVE the honour to report to your Lordship that on the 10th instant a black female slave named Hava, of about 25 years of age, took refuge in this Consulate, stating that she had been serving a retired captain of the Turkish army, Hassan Aga, for the last 13 years, and complained that her mistress was continually ill-treating her, and threatened to sell her.

I communicated her case to the local authorities, and, on my representations, I am happy to state to your Lordship, they immediately liberated her, and she soon afterwards found employment.

I have, &c.,

*The Earl of Derby.*

STEPHEN JOLY.

## UNITED STATES.

*No. 221.—Sir E. Thornton to the Earl of Derby.—(Rec. June 19.)*

MR LORD,

*Washington, June 5, 1876.*

THE REV. EMANUEL VANORDEP, Pastor of the Evangelical Church of St. Theresa at Rio de Janeiro, called on me two days ago, and informed me that he had visited the President for the purpose of

stating to him that the steamers of the United States Steam-ship Company, running from New York to Rio, and touching at intermediate ports, were in the habit of carrying slaves from one Brazilian port to another. Mr. Vanorden had, however, been told that the United States' Government could not interfere in the matter; for although the United States' Post Office had a contract with the company to carry the mails, the vessels were English steamers and carried the English flag. Mr. Vanorden added that he had therefore come to me in the hope that I would bring the circumstances to the knowledge of Her Majesty's Government, in order that the transport of slaves on those British vessels might be put a stop to. He said that it might be difficult for the vessels to refuse to take on board slaves who were accompanying their masters, but that there could be no reason why they should not refuse to receive slaves who were sent on board for delivery at the port of destination, and who would probably be sent either for sale or because they had been sold. The master of the steamer could have no doubt as to their being slaves, because a duty of 200 milreis was exacted upon every slave exported from Bahia for instance, and they could not be received on board any vessel without a certificate that this duty had been paid.

Mr. Vanorden gave me an extract from a Rio newspaper, "*O Globo*," of the 1st and 2nd of March last, copy and translation of which I have the honour to inclose, showing that the English steamer *Nellie Martin* brought from Bahia to Rio 11 slaves for delivery.

I told Mr. Vanorden that I would inform your Lordship of the statement which he had made to me, and that I thought it likely that you would cause inquiries to be made upon the subject at Rio de Janeiro.

I have, &c.,

*The Earl of Derby.*

EDWD. THORNTON,

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(Inclosure.)—Extract from "*O Globo*" of Rio de Janeiro, of March 1 and 2, 1876.

ARRIVED on the 1st day of March from New York and intermediate stations, 26 days ( $2\frac{1}{2}$  from Bahia), the English steamer *Nellie Martin*, Commander Jackson, crew 39, cargo of various kinds consigned to Edward Johnston and Co.; passengers, Dr. José Gomes Vieira Dantas, wife and one child; Rufino dos Santos Valente, wife and two children; Alfonso da Cunha Maciel, wife and one child, and one slave; Francisco Bello da Silva Cunha, José Luiz Zazin, Joaquin Pimenta dos Santos; an Englishman, W. F. King; the Austrians, Edouard Haase and wife; the Americans, Francis J. Gillett, wife and three children; Emile Noel, wife and one child; Louis Lanzerim, Louis F. Tally, John Donland; and 11 slaves for delivery.

*No. 347.—The Earl of Derby to Mr. Pierrepont.*

SIR,

*Foreign Office, October 24, 1876.*

I HAVE the honour to inclose herewith a copy of a Memorial from the Anti-Slavery and Aborigines Protection Societies,\* relative to the course of action which appears to have been adopted by Mr. Stanley towards the natives in the course of his explorations in Central Africa.

You will perceive, from this Memorial, the painful impression which Mr. Stanley's proceedings have produced in this country, and which I do not doubt will be shared in the United States, in the event of later and more circumstantial reports confirming the particulars already known.

As Mr. Stanley is not a British subject, it is not within the province of Her Majesty's Government to take any direct notice of, or interfere with, Mr. Stanley's proceedings in a foreign country; and they cannot but hope that looking to the character which that gentleman won in this country by his expedition in search of Dr. Livingstone, he will be able to furnish some explanation and justification of the course which he has adopted towards the natives. At the same time they cannot but think it their duty to call the attention of the United States' Government to proceedings which appear to be little calculated to promote civilization in the interior of Africa, or win the good-will of the native tribes towards travellers who have that object in view.

I have, &amp;c.,

*E. Pierrepont, Esq.*

DERBY.

*No. 348.—Mr. Pierrepont to the Earl of Derby.—(Rec. October 27.)*MY LORD, *Legation of the United States, London, October 26, 1876.*

I HAVE the honour to acknowledge the receipt of your Lordship's note of the 24th instant, inclosing the copy of a Memorial from the Anti-Slavery and Aborigines Protection Societies relative to the course of action which it is alleged has been adopted by Mr. Stanley towards the natives during his explorations in Central Africa.

I will transmit a copy of your Lordship's note and of the Memorial to Mr. Fish by an early mail.

I have, &amp;c.,

*The Earl of Derby.*

EDWARDS PIERREPONT.

## ZANZIBAR.

*No. 222.—Dr. Kirk to the Earl of Derby.—(Rec. Jan. 10, 1876.)*

MY LORD,

*Zanzibar, December 9, 1875.*

I HAVE the honour to report that, on the 19th November, infor-

mation reached Zanzibar of an attack on the boats of Her Majesty's ship *London* by the people of the coast between Tanga and M'tangata. This it was said had arisen out of steps taken by the officer in charge to arrest parties on the shore, the crew of a vessel supposed to have lately run slaves to Pemba. It was on land that the first assault was made, but the following day the attack was renewed by the natives, who, without warning, fired arrows from the bank on the boats.

Having informed the Sultan what had happened, I called upon him to exercise his authority. In doing so I pointed out that nothing could justify the second attack, and that as the villagers of that particular district have a bad repute as a lawless and turbulent race, it was essential they should be taught to refer their grievances to Zanzibar, and not make use of force as they hitherto have, on several occasions that I mentioned, shown themselves too ready to do.

I recommended His Highness to summon the chief men to appear at once at Zanzibar, and to destroy the villages in event of their refusal to comply.

His Highness replied that the people of these villages had already given both himself and his predecessors trouble enough, and that he left me to deal with them summarily, and that in so doing I had his full authority to use any measures I pleased; but I pointed out that while in any case I should object to making it appear that we acted independently of him, so long as we could gain our object through his means, it would be peculiarly dangerous, now that the whole population was in a ferment owing to the Egyptians having openly set his authority aside, for us to seem to act by force unless co-operating with him.

It was ultimately decided that the following morning the Governor of the district, who had accompanied me a few days before from Tanga to Zanzibar, should proceed in one of His Highness' steam-yachts and, as the Sultan's Governor, demand the surrender of the chief men of the villages, and, failing their appearance, announce that the English would destroy the place, and also the vessel owned by them which had been the origin of the assault.

Under the orders of Captain Sullivan, of Her Majesty's ship *London*, Lieutenant Annesley accompanied the Governor of Tanga and took direction of the expedition.

I annex Lieutenant Annesley's report of proceedings, from which it will be seen that, the Chiefs declining to follow the Governor of Tanga to Zanzibar, it became necessary to destroy the villages, an operation which was conducted successfully and without loss to us.

I have received the thanks of His Highness for the support given to his authority and flag, and I trust the steps taken by

myself, and the conduct of the expedition by Lieutenant Annesley, may meet with your Lordship's approval. I have, &c.,  
*The Earl of Derby,* JOHN KIRK.

(Inclosure.)—*Lieutenant Annesley to Captain Sullivan.*

SIR,

London, *Zanzibar*, November 23, 1875.

I HAVE the honour to inform you that in accordance with your Memorandum of the 20th instant I proceeded at 10:30 A.M. on that day, in His Highness' steamer *Darra Salaam*, accompanied by the Governor of Tanga, to Tangata.

About 9 P.M. the *Darra Salaam* ran ashore on some reefs, about a quarter of a mile eastward of Mazeewy Island, the vessel at the time being in sole charge of her own captain, the Arab pilot, and one of her own crew at the wheel. On reversing the engines and going astern, the painter of the gig which we were towing became entangled in the screw, and, finding that we could neither go ahead nor astern, I immediately sent two men into the gig and then cut her adrift. The breakers, however, close to the ship were too heavy for the boat to live in, and thinking it useless to attempt to move the vessel until high tide, about 9 o'clock the following morning, when the daylight would enable us also to clear the screw, I ordered all the officers and men belonging to the *London* to get into the gig, and, telling the captain of the *Darra Salaam* that I was going to get assistance, I left the vessel and pulled round to leeward of the island, where I expected to find the *Victoria* launch and the steam-pinnace and cutter anchored for the night. Here I did find the *Victoria*, and at 4:30 the following morning returned with the gig to the *Darra Salaam*.

During the night, however, she had floated off the reef, and, having cleared the screw of the rope which was twisted round it, we again proceeded for Tangata, where we arrived at 1:30 P.M. on the 21st instant. The native pilot, not knowing the way in, we were obliged to anchor about one mile further out than (by sounding) I afterwards discovered was necessary.

I immediately landed the Governor of Tanga, accompanied by the Consular interpreter, to hold a palaver with the natives, and endeavour to induce the Chiefs and some of the head men of the villages (named Wanga and Sitâki-Charé) to return quietly with him to Zanzibar. At 8:30 P.M. the interpreter returned to me to say that the natives were in great force, numbering between 200 and 300 men, and that they intended to fight, and would not come on board. About two hours later the Governor of Tanga came off, and informed me that the Chiefs would come on board the following morning, and that they wished to accompany me to a village called Gingani, about six miles distant, where they said the crew of the

dhov who alone had fired on our men lived. This I consented to, and according landed the Governor the following morning at 6 o'clock to bring them on board, giving him two hours to do so. At the expiration of this time he returned, accompanied by the Chief of Sitâki-Charé only, who declared that it was not his village, but Wanga, which had fired on our men. I therefore told him that if he would come with me to Zanzibar, bringing the two men who were with him, I would not destroy his village, as I intended doing to Wanga. On hearing this, however, he begged me to burn his village also, as if it were allowed to escape, the people of Wanga would certainly kill him as a traitor. He begged to be allowed an hour to clear out, to which I acceded; and, having first ascertained from the Governor of Tanga that he had no hope of being able to bring the Chief of the other village to terms, I commenced preparations for an attack on the villages by the force under my command.

This force consisted of the *Victoria* launch, mounting a 7-pounder muzzle-loader rifled gun and rocket apparatus, under my own immediate command, the *Helena* launch, with a similar armament, under the orders of Lieutenant Matthews, and the steam-pinnace and cutter, the former armed with a 7-pounder muzzle-loading rifled gun and rocket apparatus, the latter with a rocket apparatus only, commanded by Lieutenant Lang. These boats were manned by a total crew of 52 petty officers and seamen.

Having anchored as close in as possible, with springs on the cables and steam up in the pinnace and cutter, and the hour's grace which had been given to the Chief of Sitâki-Charé having expired, I opened fire at 9 A.M., from all the boats, on the two villages with shot, shell, and rockets. The nearer village was distant about 700 yards, and the further about 1,400 yards. After half an hour's firing I sent the steam-pinnace to clear the bush with case-shot in the vicinity of the place where I intended to land the men, which being done, I proceeded to disembark the small-arm party, consisting of 40 men, as quickly as possible. As they landed, skirmishers were thrown out at six paces apart, with a support and reserve, four of the last being told off as a rocket party. Having carefully felt my way through the bush to the first village (Sitâki-Charé), I burnt it, and then proceeded on to the second (Wanga), which, having first fired a couple of rockets, and two or three volleys into it, I served in a similar manner.

It was here that I fully expected the natives would make a stand, as the cover which the village and the bush afforded rendered the position very strong; but, with the exception of a few, who watched our movements at a distance, we saw none of the inhabitants and encountered no opposition.

Having thus accomplished one of the ends of the expedition, I

returned to the landing-place, and, having safely re-embarked the party I next endeavoured to get the dhow (which had been the original cause of our men being fired on) afloat, so as to bring her to Zanzibar for adjudication. This, however, proved an impossibility, as she was stranded and half-full of water, and I therefore destroyed her.

The following morning (23rd) I weighed in the *Darra Salaam* and returned to Zanzibar, leaving the boats to follow as most convenient.

In conclusion, I have the honour to state that all the officers and men under my orders acted with the greatest zeal and energy, and that Lieutenant Matthews, who had charge of the skirmishers, handled them in a most efficient manner. Lieutenant Lang also, who had charge of the boats in disembarking and re-embarking the men, as well as covering our landing with his guns, performed this duty in a very effective way. Surgeon R. Bentham took charge of the fatigue party, and Mr. Meiklejohn, engineer, volunteered his services in setting fire to the villages.

Trusting that my conduct will meet with your approbation, I have, &c.,

Captain Sullivan.

W. M. ANNESLEY.

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No. 223.—*Dr. Kirk to the Earl of Derby.*—(Rec. January 10, 1876.)  
(Extract.) *On board the Thetis, November 29, 1875.*

SHORTLY after the departure of the last mail Her Majesty's ship *Thetis* arrived here from the Seychelles, and Captain Ward, agreeing with me that the disturbed state of the northern part of the Zanzibar dominions, caused by the military occupation of the Egyptians, rendered the presence of a ship-of-war, for the protection of British property in these parts, desirable, placed his vessel at my disposal for the purpose of visiting the Banadir or northern harbours of Zanzibar.

On the 28th November we anchored off the town of Merka, which we found still under the Zanzibar flag, and occupied by 150 troops.

The roadstead of Merka is certainly the worst on the Somali coast, the anchorage being confined and so close to the reefs as to render it unsafe in rough weather; native vessels, however, by passing inside, find shelter at all seasons.

Owing to the steps taken some years ago by the present Sultan, on my representations, the inhabitants of the town of Merka now possess perfect security, and the trade has in consequence greatly increased, and of late years it has become the chief place of trading in that district. A stone building, strong enough to resist the attacks of any numbers of wild Somalis, stands outside the town,

which has been walled in and possesses fortifications to command the gates.

The Indian community told me that trade was good, and although that of Brava had come to a stand, they were still able to carry on business, and felt secure, unless an attack were made on them from the sea by the Egyptian ships.

The British interest in Merka is, however, at present very considerable, as the traders hold over their produce awaiting the arrival of dhows by the north monsoon to ship to Zanzibar.

As regards the Slave Trade, I learned from various and independent sources that the traffic by sea has been absolutely at an end since 1873, but that slaves are arriving in great numbers by the land route; not for the coast towns, however, where labour is not required, but destined for the extensive cultivated lands that lie one day's journey westward on the banks of a large river. From information I have lately collected at Zanzibar, confirmed by what I here ascertained, I find that not less than 10,000 slaves are now being taken across the River Juba yearly, near Kismayo, for the Somali plantations, and it is certain that these caravans have received special permission to pass from the Egyptian authorities, who now command the river mouth.

I received information of caravans which had so crossed of late, the slaves being taken at once to the South Somali plantations.

Regarding the slave-dhow that sailed from near Kilwa I was able to gather no information, and as I have secret agents on the spot I am now of opinion she passed on to Arabia without touching on this coast. The only instance of transport of slaves by sea of which I have been able to learn was in the case of two small dhows, which shipped slaves at Brava with permission of the Egyptian authorities, and landed them secretly on the coast north of Merka, whence they were taken inland to the Somalis.

I have now to inform your Lordship of a step taken by me on leaving Zanzibar, which I sincerely trust will ultimately exercise on the Slave Trade an effect far beyond even that of the Treaty of 1873,\* which, suppressing the Slave Traffic by sea, left the land route open.

Your Lordship has been made aware how extensively organized this new Traffic has become, and how wide are now its ramifications. I therefore determined to take advantage of the situation, and, before sailing from Zanzibar, obtained from his Highness one step towards its abolition.

It had become known in Zanzibar that the Egyptians, after they had got a firm footing at Brava, through promises of giving greater facilities to the import of slaves by which the townspeople had in times past been greatly enriched, gave notice that the Slave



Trade would be prohibited. I therefore told His Highness that it was now his policy to take advantage of the occasion to ratify what the Egyptians had professedly done at Brava, extending it, however, to all the Somali towns and abolishing slavery in the whole of that country. His Highness consented to give me a deed under his seal confirming the freedom of slaves within the Benadir, and ordered his Governors to follow in all respects my orders.

Accordingly at Merka, having shown His Highness's decree to the Governor, I caused him to issue a public notice, founded thereon, that by order of his Highness all slaves in the Banadir were to be freed and slavery abolished.

Thus, my Lord, it will be seen that we have secured a limit to the Slave Trade, and hedged in as it were slavery itself within comparatively narrow limits.

Clearly at the present time it is impossible to enforce the due execution of these orders, but on my way back I propose touching at Lamu and taking active steps there to stop the land caravans now on their way north, and I shall make further concessions in this direction the basis of my future action in support of the Sultan's authority.

While this Proclamation was being reduced to writing, Captain Ward and I crossed the sand-hills that line the whole Somali coast. We were surprised to find at a short distance inland a country filled with populous villages, rich in cattle. The tribe of Somalis we first encountered were by no means friendly, and as their numbers were very great we deemed it prudent to retire. On the way back other settlements were passed, and the country found to be full of people, thus accounting for the great trade carried on at the coast towns, which, viewed from the sea, seem placed in most inhospitable and barren places.

We next visited Mogdisbo, a place of bad repute, where hitherto Europeans have been with difficulty admitted, and when there for trade kept virtually prisoners. Mogdisbo has the repute of being a centre of Mohammedan fanaticism, and a place too sacred for infidels to be allowed to enter on anything like equal terms with the believers. All this we now found to be changed, the Sultan of Zanzibar having established a force of 200 soldiers, and the fear of Egyptian annexation being paramount in the minds of the people. We were therefore cordially received, and voluntarily escorted to the most interesting ruins of the town, for this is almost the only place on the coast where ruins of interest are to be found in a tolerable state of preservation. We visited the old Shirazi Mosque, having inscriptions in beautiful encaustic tiles, and dating 624 years back; also the more modern mosques and minarets, which we were taken over with shoes on—a sure proof of how welcome our presence there

was. Afterwards we were taken some distance inland, and shown the walls and ruins of the old town, which included a radius of one mile in extent, the whole showing foundations of old buildings that proved Mogdisho to have been, in olden times, a place of great importance and strength.

The roadstead is the best on the Somali coast, and now that security has been given to life and property by the presence of the Arab garrison, it will soon resume its paramount importance, being the natural outlet of the rich pastoral and grain lands on the banks of the River Geledi.

*The Earl of Derby.*

JOHN KIRK.

*No. 229.—Dr. Kirk to the Earl of Derby.—(Rec. January 10, 1876.)*

MY LORD,

*Zanzibar, December 15, 1875.*

I HAVE just received a note from His Highness the Sultan, of which I herewith inclose copy in translation.

It is, I beg to assure your Lordship, very satisfactory to find His Highness coming forward so readily in answer to my appeal regarding the Slave Trade, and taking so decided and thorough-going a course as the abolition of slavery in the northern part of his dominions, where he still holds Merka, Mogdisho, and Worsheikh, and is quite sure to recover eventually the part invaded by the Egyptians.

By this act, the land slave-route, which has caused your Lordship some anxiety, is prohibited to the north, and the transit of slaves by sea or land, whether to the Somalis or Arabia, made illegal.

The moral effect of this, coming as the spontaneous act of a Mohammedan Prince, will be felt throughout the East, and it will be easy for us hereafter to see that it is strictly enforced.

I trust your Lordship will be pleased to approve the course followed by me on the occasion, and to acknowledge His Highness' endeavours to meet the wishes of Great Britain.

I have, &c.,

*The Earl of Derby.*

JOHN KIRK.

*(Inclosure.)—The Sultan of Zanzibar to Dr. Kirk.*

*(Translation.)*

*(After compliments.)*

16 *El Kaada*, 1292 *(December 15, 1875).*

WILL you be pleased to inform Lord Derby of all that has taken place, as you saw it yourself at Brava; how the Egyptians have not only hoisted the flag of Turkey, but occupied the town with their soldiers, and assumed the administration of the country, and not at Brava only, but also at Kismayo? Also show his Lordship how by intrigue they are stirring up discord at Lamo and at Merka; that thus trade is at end, and heavy loss occasioned to us and every one.

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Be pleased, moreover, to inform his Lordship that in the countries now occupied by the Egyptians, and throughout the Benadir, we have by our Proclamation abolished slavery for ever, and in this the Egyptians have made our way easy, and we have not been slow to show that it has always been our wish to follow the policy of Great Britain where that has been possible.

But in what we do for Great Britain we raise up enemies, and the Egyptians have made this an occasion against us, and our stopping the Slave Trade has been the cause of the Egyptians finding friends in Brava; but, Inshallah! we are steadfast, and henceforth slavery is at an end in all these parts, and inform Lord Derby that we have done it. From your friend,

*Dr. Kirk.*

BURGASH BIN SAAED.

*No. 230.—The Earl of Derby to Dr. Kirk.*

SIR,

*Foreign Office, January 14, 1876.*

I HAVE received your despatches dated the 29th of November and 15th of December respectively, giving an account of a visit which you made in Her Majesty's ship *Thetis* to the Benadir, or northern district of Zanzibar, and reporting the circumstances under which the Sultan has abolished the status of slavery in that part of his dominions.

I have in reply to instruct you to acquaint the Sultan that Her Majesty's Government have learnt with sincere gratification the step thus taken by His Highness, and you will assure His Highness of the sympathy and support of both the people of this country and of Her Majesty's Government in carrying out his policy.

I have further to acquaint you that I entirely approve your proceedings in using your influence with the Sultan to induce him to adopt this measure.

I am, &c.,

*Dr. Kirk.*

DERBY.

*No. 231.—The Earl of Derby to Dr. Kirk.*

SIR,

*Foreign Office, January 14, 1876.*

I HAVE received your despatch of the 9th ultimo, giving an account of the steps taken by you in the case of an attack made by the natives of the coast between Tanga and M'tangata on the boats of Her Majesty's ship *London*, arising, it is said, out of measures taken by the officer in charge of the boats to arrest on shore the crew of a vessel supposed to have run slaves to Pemba.

I would observe, with reference to this case that, as a rule, it would not appear prudent to attempt to arrest on shore parties suspected of being implicated in Slave Traffic, unless acting in conjunction with the native authorities; and there are no particulars contained in your report which would show whether this was the

case, and whether the attempt to arrest the parties on shore was justifiable or not. As, however, after the attack on the boats' crews the Sultan would appear to have sent his yacht to chastise the natives engaged in the attack, and to have asked for the co-operation of Her Majesty's naval forces, subject to the foregoing qualification I am of opinion that the action subsequently taken by you and by Her Majesty's naval forces on this occasion was right and proper.

I am, &c.,

Dr. Kirk.

DERBY.

No. 243.—Dr. Kirk to the Earl of Derby.—(Received March 7.)

(Extract.)

Zanzibar, February 2, 1876.

HAVING ascertained that, on receipt of the Khedive's orders which reached Kismayo on the 22nd December, the Egyptian forces under McKillop Pasha were withdrawn from Kismayo and El Jub, and the vessels moved 60 miles further south to the Burkab or Durnford of the charts, I called the Sultan's attention to the necessity of taking steps for the government of the abandoned districts, and the re-establishment of his authority in a way that would give some guarantee for the opening up of the country, and for the due observance of his promises to abolish slavery and stop the land traffic in slaves throughout the northern part of his dominions. I offered also, as I considered it necessary in support of British interests, to proceed to Lamo and Kismayo in person, to render any assistance in my power.

His Highness, only too glad to be able to reoccupy the posts from which his agents had been expelled, begged me to allow the Governor of Lamo (a man of high family and consideration) to accompany me, placing him and all other Governors under my direction.

Touching at Lamo in Her Majesty's ship *Thetis*, Captain Ward and I called on Seyyid Saoud, the Governor, and giving him the Sultan's letter, of which copy is inclosed, invited him to accompany us to Kismayo, which he did the following day, taking a guard of Arab soldiers with him, as the 300 troops already sent by land could not be expected to have reached in time.

When off Port Durnford it was ascertained that the Egyptian ships had all left, and at Kismayo we were told that the troops at Brava had been embarked and the place reoccupied by the Sultan's Governor from Merka.

Kismayo Bay, although open and exposed to the ocean swell, affords a safe and commodious anchorage even to large vessels. There are, however, many outlying dangers as yet inexactly laid down on the charts, and the bay is limited by a line of rocks near shore.

The position of Kismayo, as the most northern ship harbour on the coast, distant only ten miles from the River Juba, one of the very few African rivers available for commerce, gives it considerable importance, and the leading marks now determined and laid down by the officers of Her Majesty's ship *Thetis* and *Flying Fish* will in the meantime remove all danger, and serve as a guide to vessels following the northern passage. In the absence, however, of a complete survey, it is a place to be approached by large vessels with considerable caution.

We found on shore scarcely a vestige of the Egyptian occupation. During the few months of their stay they seem to have been satisfied with the accommodation the Sultan's stone fort and out-buildings afforded. A rude landing-jetty they had constructed had been wantonly destroyed before their departure, and two beacons, erected as leading marks, had been placed with so little judgment as to be of no practical utility.

Having landed and taken possession of the place, the Proclamation, under the Sultan's seal and signature, informing the people that slavery was now abolished, and the land transport of slaves prohibited, both throughout the Benadir and in the district of Kismayo, was published and exhibited on a board over the outer entrance of the fort, a place where it may be seen and read by all.

I annex a copy of this important deed, and have the honour to inform your Lordship that Proclamations in every way corresponding with that inclosed, with the sole alteration at the commencement according with the place at which it is issued, have been sent to Brava, Merka, Mogdisho, and Worsheikh, and that the Sultan's orders to his Governors, of which I was the bearer, are clear and explicit, making it imperative in them to publish the same, and to see that no slave-caravans pass by land.

The district affected by this Decree extends from the Durnford or south limit of Kismayo to the north of Zanzibar, dominions usually defined as Worsheikh, which includes also Murut, an agricultural district dependent on it. Thus slavery is by statute at an end throughout one-third of the Zanzibar dominions, or over 300 miles of coast, and the land traffic in slaves therein forbidden and liable to be stopped by force if attempted.

It is known to your Lordship that formerly thousands of slaves were yearly landed by dhows at Brava, Merka, and Mogdisho, and that since the sea traffic was prohibited in 1878 this form of Slave Trade has completely ceased; but that a land traffic, against which no provision had been made, and none seemed possible without violent interference on our part with the internal administration of the Zanzibar State, had sprung up, and South Somali land received thousands of slaves as before by this new route. I am aware it has

been also reported to your Lordship, by those whose judgment deserves consideration, that slaves might thus be conveyed through the whole of Somali land, and taken by dhows to Arabia across the Gulf of Aden. There is, however, no evidence to show that such a Traffic exists, for the price paid for slaves by the Somalis in the rich fields of South Somali land are such as would make this Traffic unremunerative, setting aside altogether the fearful losses that would be sustained by a slave-caravan on the way.

*The Earl of Derby.*

JOHN KIRK.

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*(Inclosure 1.)—The Sultan of Zanzibar to the Governor of Lamu.*

(After compliments.)

(Translation.)

ON the arrival of the Envoy, John Kirk, Her Majesty's Consul-General who comes to support and assist our Government, you will be ready to accompany him to Kismayo and El Jub, and wherever else he may require your assistance you will accompany him, and be in all things guided by his counsel and advice, that the people of the country may perceive that our Government has been resumed with honour.

And know well that we have abolished slavery throughout our dominions which are at Kismayo and throughout the Benadir, and you will see that the Proclamations which are to this effect are duly issued.

This is from me, written by Burgash bin Saeed with his own hand the 17th day of El Hajj, 1292 (January 15, 1876).

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*(Inclosure 2.)—Proclamation abolishing Slavery in Kismayo and Benadir, as published at Kismayo, January 25, 1876.*

[Similar Notices issued at Brava, Merka, Mogdisho, and Worsheikh.]

In the Name of God, the Merciful, the Compassionate.

(Translation.)

[Seal of Burgash bin Saeed bin Sultan].

From Burgash bin Saeed,

To all who may see this of our friends the inhabitants of Kismayo and its dependencies, be it known, God having brought about the departure of the Egyptians from our dominions in Kismayo, that, on re-establishing our government and kingdom we have decreed the abolition of slavery throughout our dominions in the Benadir and the district of Kismayo, and we have commanded our Governors to see that this order is enforced, and that slaves are not permitted to pass through the territory above-named.

Written by Zahr, with his hand, this 17th day of El Hajj, 1292 (January 15, 1876).

This is from me, written with his own hand,

BURGASH BIN SAEED.

No. 246.—*Mr. Lister to Dr. Kirk.*

SIR,

*Foreign Office, March 10, 1876.*

I HAVE laid before the Earl of Derby your despatch of the 2nd ultimo, with its inclosures, reporting the withdrawal of the Egyptian forces from Zanzibar territory, and the visit paid by you to the ports of Kismayo and Lamo, accompanied by the Governor of Lamo, on board Her Majesty's ship *Thetis*, with a view to re-establish the authority of the Sultan of Zanzibar in such a manner as would give some guarantee for the opening up of the country, and for the observance of His Highness' promises to abolish slavery and stop the land traffic in slaves throughout the northern part of the Sultan's dominion.

In conveying to you Lord Derby's approval of your proceedings, as reported in your above-named despatch, I am to state to you that his Lordship has learnt with much satisfaction that a Proclamation has been published at Kismayo, under the Sultan's seal and signature, informing the people that slavery is now abolished, and the land transport of slaves prohibited throughout the Benadir and in the district of Kismayo; and I am to instruct you to thank the Sultan in the name of Her Majesty's Government for this new proof which he has given of his desire to suppress Slave Traffic in his dominions.

You will at the same time assure His Highness that he may reckon on the cordial support of the British authorities in any further measures which he may adopt with this view.

I am, &c.,

*Dr. Kirk.*

T. V. LISTER.

No. 249.—*Dr. Kirk to the Earl of Derby.*—(Received April 10.)

MY LORD,

*Zanzibar, February 21, 1876.*

I HAVE the honour to inclose decrees of condemnation in the cases of three native vessels engaged in the Slave Trade.

As the circumstances under which these vessels were captured differed from those that have occurred of late, I have to report that on my return from the north, in Her Majesty's ship *Thetis*, I communicated to Captain Ward certain information I had received from one of my secret agents on the coast regarding three vessels engaged in carrying slaves from the creeks north of Kilwa to Kisiju, a village beyond the Lufji Delta, where they again followed the land route to Bagamoyo, Pangani, &c., and were ultimately either taken further north or shipped to the Island of Pemba.

This new phase of the Slave Trade and the partial abandonment of the land routes in favour of that by sea within the Mofia Channel is due chiefly to disturbances that have occurred among the native

tribes on the Lufji, making it unsafe for a slave-caravan to pass unless under a strong escort.

On one occasion the Arab leaders have been killed, and in many cases slaves carried off by force, while the heavy ground of the Lufji Delta and the swamps of Samanga make the land route in this part both difficult and costly.

The absence of any of the cruisers for several months had given encouragement to the local traffic, and as a result I find that these dhows were being regularly employed on this special service.

Having communicated full particulars to the Senior Naval Officer, the boats of Her Majesty's ship *Flying Fish* were at once detached to intercept the vessels in question, and this, I am glad to state, has been done with complete success; one vessel being captured with 102 slaves on board, the other two unfortunately having succeeded in landing and securing the slaves in the jungle before they could be approached in the surf through which they had been beached when they found themselves pressed by our boats.

In the case of the first, the master, crew, and slave-owners were all taken and given over to my hands, and after hearing the case I had the six slave-owners, of whom three were pure Arabs, together with the dhow captain, secured in their own slave-chains, and marched through the streets.

Thereafter, having communicated with His Highness, they were flogged in public before the Palace, the pure Arabs and negroes being treated alike. This degrading personal punishment of pure-born Arabs of Arabia has caused some excitement, but I assured His Highness that I should support him in anything that might result from the action I asked him to take.

Although I am not of opinion that such steps as these will stop the Traffic, the infliction of corporal punishment in public is driving the Slave Trade into the hands of the lowest classes, and so far making it every day less and less reputable and more within our power to deal with.

A few years ago the best Arab in Zanzibar would think it no disgrace to head his slaves. This is no longer so; the abolition of public sale, and now the reduction of slave-dealers who transgress the Treaty to the grade of common criminals, and the infliction of a punishment reserved for the lowest classes of natives, has changed matters in this respect, but the land traffic still goes on, though in other hands.

On this occasion I have thanked His Highness for the firm manner in which he at once followed my advice, although well aware he was doing a most unpopular act, and one that might have forced him to fall back on British assistance.



From the result of the present example I conclude that the public of Zanzibar have now tacitly accepted the situation and are ready to admit that those who are tempted by the profits of running slaves by sea must take their chance of the attending risks in case of detection.

I have, &c.,

*The Earl of Derby.*

JOHN KIRK.

*No. 250.—Dr. Kirk to the Earl of Derby.—(Received April 10.)*

MY LORD,

*Zanzibar, February 29, 1876.*

I HAVE the honour to forward herewith decree of condemnation in case of a slave seized by one of the officers of Her Majesty's ship *London*, and placed in Court here by the commanding officer.

I was informed by the seizers at the outset that proceedings had been taken in this case for the purpose of ascertaining how the transport of slaves in canoes from the mainland at Tanga to the islands that there fringe the coast on the west side of the Pemba Channel, and from the islets on the western shore to the main island of Pemba, would be viewed, and how far they would be acting legally in interfering with a local transit that was on either side of the channel being made use of to facilitate the transport of slaves from the mainland to the Island of Pemba.

After the many instances that have appeared in court of late in which slave-cargoes were proved to have been landed on the small islands off Pemba under the eyes of our officers, and when once landed and concealed in the jungle or native huts to have evaded capture and been transported across the narrow passage to the main island in canoes, there was no necessity to produce any more proof to show the use to which these small islands are constantly put.

The chief point here was to determine whether or not the Islet of Makangwe was to be considered as so far part of Pemba as to be, within the meaning of the Treaty, one and the same, or as a different part of His Highness' dominions, divided by sea.

The case of the canoe seized by Her Majesty's ship *Shearwater* crossing between Chole and Monfia is the only one that might bear on the point, and there an opinion has finally been expressed that the condemnation of the canoe and slaves was legal under the Treaty of June 5, 1873,\* interpreted by that of July 14, 1875.†

That case, however, does not apply, for there exists this vast difference—that while between Chole and Monfia there is a transport of slaves in canoes, this transport is not known to have any relation to the shipment of slaves in contravention of Treaty, whereas mixed up with such a conveyance as exists at Chole we have on both sides

\* Vol. LXIII. Page 173.

† Vol. LXVI. Page 89.

of the Pemba Channel a notorious contraband traffic to deal with, for which these small islands are made use of.

On the side of the mainland canoe-loads of slaves are taken over daily from the villages during the spring tides to pick cowries on the coral reefs. If the islands and mainland are so much of the nature of one as to constitute this not conveyance in the sense of the Treaty, then our boats cannot interfere.

On the Pemba islets again there are a few small plantations very insignificant in general, but partly owned by residents of the mainland, and these carry their slaves across in canoes when required for work, returning them as needed to their other estates. The greater part of these islets is, however, an impassable jungle where whole dhow-loads of slaves can in a short time be safely concealed, and in which any search would be most hazardous. Thus the chief use to which these small islands are now being put seems to be to aid in the smuggling of slaves against Treaties, and this I have held to be a valid difference constituting these small islands or islets and Pemba different parts of His Highness dominions for the purpose of the Treaties, and transport between them against the will of the slaves illegal.

At the same time I have distinctly explained in Court that the ground on which I base my decision is the use made of these islands, and that had this not been clearly proved I should require to go much more minutely into the circumstances of the islands.

In this case the canoe being released and the slave alone proceeded against, the question of whether he was a domestic did not arise. He was, it seems, conveyed against his will, which of itself secures his condemnation, unless the two islands were shown to be, for the purposes of the Treaties, so far one as to make transport between them not "conveyance" within the meaning of the Treaty.

I have, &c.,

*The Earl of Derby.*

JOHN KIRK.

*No. 251.—Dr. Kirk to the Earl of Derby.—(Received May 1.)*

MY LORD,

*Zanzibar, February 29, 1876.*

IN transmitting decree of condemnation in case of a native vessel placed by the Commanding Officer of Her Majesty's ship *London* in Court as engaged in the Slave Trade, I have the honour to submit the following explanatory remarks, not with the view of having the case reconsidered, which indeed could only be done on the original evidence and record of proceedings, but rather to enable your Lordship to follow the practical result of a decision in which the Sultan has now concurred.

A native vessel, having at the time many passengers on board, was seized when on the voyage from the north of the Island of Zanzibar to Pemba, on the ground that there were three female and one male slave on board contrary to the provision of the Treaty of 5th June, 1878,\* and of 14th July, 1875.†

The captors proceeded against the vessel and these four slaves only, having landed the remainder of the passengers with their goods at Pemba, and brought forward no claim against that part of the cargo still on board.

The alleged ground of action was that the slaves were being conveyed against their will by sea, that they were neither accompanying nor engaged in the legitimate business of their masters, that they were not navigating the vessel, and were not "domestics" in the sense required by the Treaty.

The evidence in Court showed satisfactorily enough that—

1. They were being conveyed against their will.
2. They were not accompanying their masters.
3. They were not navigating the vessel.

But a question arose as to whether or not they were "domestics," the defence pleading that being "domestics" the slaves were to be freed and the vessel released; while the prosecution claimed decree of condemnation of the vessel also, asserting that they were in the sense of the Treaty not domestics, being recent purchases transferred in trade.

It is with the three female slaves alone we have here to do, and as the circumstances of each were identical I shall state briefly how they stood.

Two Arab proprietors, resident in the Island of Pemba, came to Zanzibar on a visit and to make purchases. While here they bought three female slaves from a dealer, one of those who, since the public market was abolished, have been acting as salesmen of slaves. These slaves had been resident in the town of Zanzibar—one for several years in the same family—while the others had passed from hand to hand. All, however, were house slaves, and had been used as concubines, for which purpose they were now purchased.

Had they been travelling with their old masters they would have unquestionably been classed as "domestics," but their new owners had set off alone to Pemba, leaving their newly purchased slaves to be marched by land to the north of the island, and there shipped to Pemba in the care of a slave they left behind for the purpose, and under the eye of a friend of theirs—the owner of the dhow that carried them across.

Their new owners had never kept house here, had just bought

\* Vol. LXIII. Page 173.

† Vol. LXVI. Page 89.

the slaves before sailing, had gone away alone and left them to follow in charge of third parties; the slaves again were neither raw slaves nor field labourers.

The defence held them to be "domestics," while the prosecution put forward that although they would have been so regarded whilst with their former owners, they had ceased to be "domestics" in relation to their new purchasers until arrival at their houses.

To the latter argument, after mature consideration, I gave my adhesion, telling the Sultan at the same time, on behalf of his subjects, that it was a question on which I should be glad of an appeal so as to obtain an authentic decision by the Queen in Council.

I pointed out at the same time, however, that the decree, as regarded the vessel, would not hang on the above point alone, and that condemnation would still follow, even were it ruled that these three females were "domestics" in the sense employed in the Treaty, unless it could also be shown that they were on the legitimate business of their masters and going on their own free will.

Admitting they were domestics, they were shipped, as I held on the evidence, against their will; they were not accompanied by their masters, and were not engaged in their masters' legitimate business; they certainly were not employed in navigating the vessel: as "domestics," therefore, they did not fall within the excepted classes of the Treaty of July 1875. In conclusion, it was proved that the owner of the vessel himself shipped them, fully knowing who they were, their antecedents, and, in fact, acting as agent of their owners, who had gone on before to Pemba.

In reply, the Sultan asked for an interview, at which I restated what I had before communicated to him, but His Highness at once remarked—

"Let there be no reference to any authority of such a matter as this between us. I am alone among the Arabs in everything that regards the Slave Trade suppression; I am detested and hated by them for what I have done, and it is needless for me to think to get their favour in such a matter, but I must be in a position to say this or that is forbidden under Treaty. Now if it is forbidden to do as these Arabs did you have only to decide, and I shall tell them that it is so. They do not fully understand that a domestic slave, to fall under the exception of the Treaty, must either accompany the master or be engaged in his legitimate business, or in the navigation of the vessel."

I thanked His Highness for the confidence he placed in my decision, and the reliance he showed in following my judgment even when I told him I felt a little hesitation myself in deciding a very nice point, on which I should be glad to have higher authority, and I promised to address him a letter on this special case that

would serve as a guide if his people wished to know how the law was being viewed in this Court.

In applying the reading in this case which, under the circumstances, appears to me both the most legitimate and natural, and in the manner followed in gaining His Highness' adhesion thereto, I trust my action may meet with your Lordship's approval.

I have, however, I beg to remark, called the attention of Captain Sullivan to the great caution needed in dealing with cases where females that obviously have been "domestics" are concerned, and warned him of the danger of being misled by anything short of a clear expression of their objection to being taken by sea, and that generally the statements of such slaves are to be taken with the greatest reserve, as for such slaves as these personally it is impossible for us to do anything. Our interference must therefore be justified as both warranted by Treaty and directed against the system of slavery, which, by the Treaty of 1875, has been practically abolished afloat within the Zanzibar dominions.

I have, &c.,

*The Earl of Derby.*

JOHN KIRK.

No. 254.—*Dr. Kirk to the Earl of Derby.*—(Received April 11.)

MY LORD,

Zanzibar, March 7, 1876.

I HAVE the honour to report that Consul Elton has informed me that the prisoners whom I sent to be tried for having shipped slaves from the Moma River, within territory claimed as under Portuguese jurisdiction, and within the Province of Mozambique, have been released on the plea that witnesses are not forthcoming.

I beg to remark on what seems a singular miscarriage of justice that, so far as I am aware, the prisoners never denied the charge; but supposing they did so in Court, and that the Criminal Law Procedure of Portugal did not admit of their depositions being taken and used against them, it was perfectly well known that by return of mail Consul Elton could, by writing here, have secured witnesses in the persons of the slaves whom these men shipped from the Moma River, or of officers of Her Majesty's ship *Thetis*, who could have deposed to the circumstances of the capture.

So far from any such steps being taken, the Portuguese authorities saw fit, after a long detention of the prisoners, during which Her Majesty's Consul, at whose instance the prosecution had been instituted, was upon the spot, to dismiss the case during that officer's temporary absence from head-quarters, without any notice to the officer in charge of Her Majesty's Consulate, leaving Captain Elton on his return to find out the fact casually from third parties.

After such a flagrant instance of the manner in which the Mozambique Government evades a fair trial of those accused of

slave-dealing, it is useless for me again to incur the expense of sending those committed for Slave Trade to be dealt with by Portuguese Courts.

I have, &c.,

*The Earl of Derby.*

JOHN KIRK.

*No. 256.—Mr. Lister to Dr. Kirk.*

SIR,

*Foreign Office, April 20, 1876.*

I HAVE laid before the Earl of Derby your despatch of the 21st February last, forwarding decrees of condemnation in the cases of three native vessels engaged in the Slave Trade, seized by the boats of Her Majesty's ship *Flying Fish* (Cases Nos. 5, 6, and 7 of 1876), calling attention to a new route adopted by the slave-dealers, and reporting the capture and punishment of certain Arabs and others engaged in Slave Traffic; and I am now directed by his Lordship to express to you his approval of your proceedings as therein set forth. You will assure the Sultan of Zanzibar of the support of Her Majesty's Government in the measures he may adopt for fulfilling his Treaty engagements for the suppression of the Traffic in Slaves in his dominions.

I am, however, to observe, that Lord Derby has learnt with regret the nature of the punishment which it has been thought necessary to inflict in the cases to which you have thus called his Lordship's attention, although, in a matter of this kind, Her Majesty's Government do not propose to interfere with the discretion of the Government of His Highness the Sultan of Zanzibar.

I am, &c.,

*Dr. Kirk.*

T. V. LISTER.

*No. 272.—Dr. Kirk to the Earl of Derby.—(Received June 6.)*

MY LORD,

*Zanzibar, April 15, 1876.*

I HAVE the honour to inclose copy of a letter addressed to His Highness the Sultan, communicating, as directed by your Lordship in Mr. Lister's despatch of March 10, the thanks of Her Majesty's Government for the new proof which he has given of his desire to suppress Slave Traffic in his dominions by issuing a Proclamation that slavery is abolished throughout the Benadir and in the district of Kismayo, and at the same time assuring His Highness that he may reckon on the cordial support of the British authorities in any further measures which he may adopt with this view.

I have, &c.,

*The Earl of Derby.*

JOHN KIRK.

*(Inclosure.)—Dr. Kirk to the Sultan of Zanzibar.*

SIR,

*Zanzibar, April 15, 1876.*

I AM directed by the Earl of Derby to convey to your Highness, with reference to the issue of your Highness' Proclamation abolish-

ing slavery throughout the Benadir and in the district of Kismayo, the thanks of Her Majesty's Government for this new proof which you have given of your desire to suppress Slave Traffic in your dominions, and I am further instructed to assure your Highness that you may reckon on the cordial support of the British authorities in any further measures which you may adopt with this view.

I have, &c.,

*The Sultan of Zanzibar.*

JOHN KIRK.

*No. 276.—Dr. Kirk to the Earl of Derby.—(Received June 6.)*

MY LORD,

*Zanzibar, April 20, 1876.*

IN acknowledging the receipt of my letter of the 27th July last, your Lordship was pleased to express entire approval of the course I proposed to pursue with a view to stop the land Slave Traffic, should the result of my inquiries convince me, on my return to Zanzibar, that the export trade was as large as it had been represented to be.

What is here alluded to was contained in a report by Mr. Holmwood, the Assistant Agent, which I had the honour to submit to your Lordship with my letter above referred to. In this it was stated, as the result of careful inquiry, that as many as 32,000 slaves had passed north through Pangani during the year, and that of these at least 15,000 had found their way to the Island of Pemba.

The accuracy of Mr. Holmwood's report being called in question by Captain Prideaux, who for the time acted in my place, it became my duty to investigate this subject on my return, and to substantiate or refute, by carefully collected information, the correctness of his statements, and generally to make myself acquainted with the present state of the Slave Trade, and the practical working of our Treaties.

The rise of the Slave Traffic with which I was now called upon to deal had been pointed out so far back as 1871, when, in my report dated 20th March of that year, I expressed an opinion that, if stopped by sea, the slave-dealers would transfer their operations to the land, and that, before closing the sea traffic, steps should be taken to meet in anticipation the danger thus indicated.

The Slave Trade Treaty of 1873, which I had the honour to negotiate, had the immediate effect of practically ending the sea traffic to foreign countries, and at the same time of calling into existence the land route which I had foretold, by which the sufferings of the slaves were increased tenfold; these unfortunates being daily marched in chain-gangs along the coast, even to Lamo, beyond

which the mortality became excessive, and yet a few were pushed on to the Somali country by land, by one unbroken journey of 700 miles from Kilwa.

Thus, although we had put an end to the export of slaves from this coast to Persia and Arabia, we had not ameliorated the fate of the slave, and the mortality on the new route being greater, left the depopulation of the rich and fertile lands of Central Africa to proceed at a quicker pace than before.

The first accurate information regarding this new slave-route was collected by Vice-Consul Elton, acting under my orders on a mission from Zanzibar to Kilwa, towards the end of 1873. In performing this journey he, in 30 days, passed no less than 4,000 slaves being marched in gangs to the north, and from this we were led to imagine that even then an organized Traffic had been established; it, however, remained doubtful how far these rates would be kept up, and whether the dealers were not working off the accumulation of slaves which we knew had taken place at Kilwa owing to the sudden stoppage of the sea traffic.

Mr. Holmwood's report of a mission to the northern dominions of Zanzibar in the latter part of 1874, when he visited the upper portion of the land route, showed, however, that, so far from this traffic being likely to stop as the stock of slaves in hand was worked off at Kilwa, it had become a systematic trade carried on with regularity, and at a profit as regarded the route up to Lamo, and, if the statistics he collected could be relied on, a worse form of Slave Trade had sprung up in the place of that we had the previous year suppressed.

Captain Prideaux, who then acted as Consul-General, reported, however, that, in his opinion, Mr. Holmwood had been entirely misled and had greatly exaggerated the state of the case. I was therefore directed by your Lordship to investigate the facts for myself and to act according to circumstances.

Mr. Holmwood in his report had asserted that of the slaves taken north by land, 15,000 had been shipped from the mainland to the Island of Pemba, which of itself would constitute a breach of the Treaty of 1873. I therefore submitted to your Lordship, in forwarding that officer's able report in my letter of July 27th, that I should, on returning to my post, apply myself to sift his evidence and that of the agents employed on the coast, both as to the general land traffic and the numbers being smuggled into the Island of Pemba, and if it were shown that a fractional part of the number stated by Mr. Holmwood to be taken to Pemba were so transported, I proposed to call His Highness' attention to his Treaty obligations and point out the necessity of taking steps to put an end to the land traffic through his dominions, which, although not in itself



illegal, would have become so as being a means towards the shipment of slaves.

In this work, as above sketched, but acting under your Lordship's express directions, I have since my return been steadily engaged, and have made myself accurately aware, as far as is possible, regarding the leaders of slave-caravans, the numbers of slaves in each, their destination, and the parties by whom money had been provided.

In this way I became fully satisfied that, while the total number of slaves marched north, of late, has not been quite so great as had been estimated by Mr. Holmwood for the previous year, a yet larger proportion than he had given were this season destined for Pemba.

I could account for and name the owners of not less than 1,000 slaves that left Kilwa by land to be introduced into that island during a succession of months, and therefore inferred that, in the year, not less than 12,000 had been taken, the probability being that many more, of whom I knew nothing, had been smuggled.

Matters of a more immediate nature delayed the action I should otherwise have taken to press this upon His Highness' attention, but as these enabled me to obtain the statutory abolition of slavery in the northern third of his dominions, and the blocking of the land route north of Lamo, this was the less to be regretted; and I lost no time, when confidence had again been established, in bringing the question in a systematic way before His Highness, by submitting a list of no less than 38 offenders, whose punishment I asked,—observing, as the ground for their arrest that, although ostensibly taking slaves by land, they did so in order that they might be shipped in contravention of Treaty, a statement I was now ready to prove.

To do His Highness justice, I have to state that—although he doubted at the time the accuracy of my information, on the grounds that all such reports had been concealed from him or denied by his people, and that if anything like the numbers I alleged were being taken to Pemba, our cordon of boats must surely have made more captures—the greater part of those I had indicated were seized by his orders, and I believe the result of the investigation which followed had not a little to do with giving him that confidence which he afterwards showed in the correctness of my estimates.

A second list of offenders, 30 in number, was forwarded to Bagamoyo, which had now become a sort of mart for the Pemba dealers, and many of those implicated were in consequence placed in irons.

Notwithstanding the accumulated evidence I was now bringing to bear, His Highness' evident personal anxiety to carry out his Treaty stipulations, and his readiness to punish offenders in a way that left nothing to be said, almost disarmed me from urging him at

once to extremes, by denouncing him as having failed to give effect to the Treaties, and I preferred allowing the inevitable conclusion which must ensue from the policy I followed, to force itself on his mind and convince him that no half measures could be of the smallest avail, and that nothing remained, if he was to enforce his authority, but putting down with a high hand the entire land traffic.

The information gained in my investigations, together with the growing experience of the officers of Her Majesty's ship *London*, whose exertions are beyond all praise, had, however, begun to bear fruit in the shape of slave captures to which I could point; for it had, I confess, seemed strange, even allowing for the facilities in crossing a narrow channel during the night, that our boats should hitherto not have made more prizes.

Already interviews had taken place at which I had forced these questions on His Highness' attention, and these had been followed by letters further pressing the subject. It was not, however, before the 15th of April that I was enabled to place before His Highness, in a manner that seemed likely to meet with a favourable reception, my demands in a distinct and direct form.

In the letter of which I inclose a copy I showed that this question was one with which I was authorized to deal by your Lordship, and that had seriously occupied the attention of Her Majesty's Government; that, but for events which affected the integrity of his dominions and his continuation as an independent Ruler, I should have brought it forward in stronger terms before now; that these complications being over, we looked to him to see that the people of Pemba did not set his orders for the observance of Treaty systematically at defiance; that recent captures—especially the last with 129 slaves on board—must have convinced him of the accuracy of my information; and that, as in this case, the slave-dealers had attempted to murder our officer and his men, in their endeavour to escape capture, the land traffic, which was but the first stage of the route to Pemba, had assumed an importance he could no longer ignore or decline to deal with. I showed him that the profits were so great that nothing but radical measures could be expected to succeed in stopping the trade, and that as the action taken by His Highness, at my immediate request, with regard to the dealers whom I had denounced, was proved, by an intercepted letter, to have been understood by the whole body as a total prohibition of the trade, it would be well if he now did, by public Proclamation and definite instructions to his officers, all he had received credit for from those engaged in slave-dealing, and forbid, absolutely, all land traffic in slaves, the transport of slaves through his dominions, and the fitting out of slave-caravans, or even their arrival from the interior.

Your Lordship will perceive that the action I here indicated far  
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exceeded anything hitherto negotiated or attempted, and beyond the scope of all former concessions; and I was well aware that, should His Highness consent, we might be called upon to carry out your Lordship's assurance of support conveyed to him as reported in my despatch of the 15th instant.

I am happy to state, as the result of my labour carried on ever since my return from Europe, that after mature and serious deliberation, His Highness has given his adhesion to my views by publishing the annexed Proclamations—one having for its object the closing of the land route from Kilwa in such a way that the local Governors will find it necessary to see it carried out; and the other, more difficult to enforce, but which will be the most effectual step yet taken towards the abolition of the Slave Trade on this coast, and ending those annual raids which go on depopulating Central Africa and making the regeneration of those really rich lands more hopeless and far distant year by year.

It now remains to be seen how far these important concessions to British influence can be carried out by the Sultan. That he has the will to do so is evident, but it is to be remembered in this that he stands alone. His people to a man are against him and simply yield to the inevitable. His Governors, ill-paid, are open to other influences, and have for the most part been themselves too often engaged in the Traffic to look on it as a crime.

The success, therefore, of the present step will depend on this office being kept as before thoroughly informed on all that passes on the coast, so as to shew His Highness when and where pressure must be brought.

Left alone, his Governors will conceal from him the truth and again connive at the Traffic; but if this Agency should be as fortunate as of late in getting timely information, and the people see that the Sultan's authority will be supported, the local officers will find it too dangerous to permit its continuance.

I shall in a second Report forward the Arabic copies of the Proclamations, and further particulars as to how the orders therein have been issued, when the drafts submitted by me have been approved of by His Highness.

I have, &c.,

*The Earl of Derby.*

JOHN KIRK.

(*Inclosure 1.*)—*Dr. Kirk to the Sultan of Zanzibar.*

SIR,

*Zanzibar, 1878.*

I CANNOT hide from your Highness that the constant proofs of Slave Trade carried on by the people of Pemba in contravention of the Treaty of 5th June, 1873, and in defiance of your Highness' authority, is a matter that has seriously occupied the attention of

Her Majesty's Government and of Lord Derby, and on which I have received his Lordship's instructions for my guidance.

On this subject I should have addressed your Highness before, had other matters affecting the integrity of your dominions, which threatened your existence as an independent Ruler, not forced such questions for the time into the background.

Happily, those difficulties are, for the present, at an end, and your Highness' authority re-established on a firmer footing than it was before; but the people of Pemba, your subjects, still continue to set aside all rules and to transport thousands of slaves from Kilwa by land to the harbours on the coast, from which they can convey them in a few hours to their estates.

Recent captures of slaves taken crossing to Pemba, especially the last with 129 slaves on board, will have convinced your Highness of the general accuracy of my former statements regarding the extent of this Traffic.

The slaves in this case, as in others, had been ordered by wealthy people in Pemba, who, afraid to go themselves and incur the danger of the severe punishment now inflicted by your Highness on offenders, hire others, who for money are willing to run this risk, and who, as their agents, buy slaves with their money in Kilwa or Bagamoyo, and having taken them the first part of the way by land transport them in dhows to Pemba.

In every case the land route from Kilwa to Pangani is only the means first used to carry out this breach of Treaty, and I cannot resist the many proofs that are forced upon me that not less than 1,000 slaves leave Kilwa every month for Pemba.

Of these few are taken by our boats, on account of the short distance from the mainland to Pemba, which usually enables vessels to cross at night.

The profits of this illicit Traffic are so great that if the slaves are safely landed, the loss of the vessel is of no importance. Thus, for instance, the vessel of Zoor bin Saeed just taken with 129 slaves, which cost 180 dollars, would have gained over 200 dollars on that single voyage, and she has, with another vessel of the same owner, been steadily engaged in the Slave Trade with Pemba for several months.

It gives me now the greatest satisfaction, in pressing this subject upon your Highness, to be able to put in your hands at the same time a letter taken in this dhow, of which I shall transmit a copy to Lord Derby as independent proof that your Highness has personally been doing your utmost to put an end to the Traffic.

Your Highness will find in this letter that many of those I denounced by name as slave-dealers at Kilwa have been seized and imprisoned, and you will also perceive that there is no doubt the

Governor of Kilwa has done his duty, and laid hands, as he was ordered, on those actively engaged in the Slave Trade.

The slave-dealers, you will find, believe that final orders will be given to put an end to the land traffic, their last resource, and are quite prepared to yield.

Now I would venture to submit to your Highness' very serious consideration whether at the present time, when you hold such ample proof of the manner in which your subjects at Pemba persistently set aside your authority and employ agents who do not hesitate to fire on and attempt to murder our officers and men that they may convey slaves by sea, thus giving your enemies ground for remark and your friends just cause for complaint, it would not be politic for your Highness to do in a public manner, by Proclamation, all that the slave-dealers believe you are doing, and to prohibit the conveyance of slaves by land under pain of severe punishment to those engaged, and forfeiture of slaves and property.

A further order to prohibit the approach of slave-caravans from the interior, from Nyassa and elsewhere under similar penalties, would, I feel satisfied, put an end to the constant breach of Treaty by your subjects, which has now become a matter of such magnitude that Her Majesty's Government have fully determined to interfere.

In offering this advice I can promise the full support of the British authorities and of the Government, and assure your Highness at the same time that your own good faith and earnest wish to do all that has been asked is a matter that has been often brought before Lord Derby in my Reports, and that Her Majesty's Government are fully aware of the difficult and delicate position you yourself occupy, and, whilst determined to put an end to these contraventions of the Treaty, will support your authority in taking the steps necessary thereto.

I have, &c.,

*The Sultan of Zanzibar.*

JOHN KIRK.

(*Inclosure 2.*)—*Salim bin Suliman to Homaid bin Saeed and Suliman bin Khalfan.*

(After compliments.)

(Translation.)

THIS letter comes from the harbour of Tanga; and, my dear friend, if you ask about Saeed Burgash, I tell you His Highness has stopped the buying and selling of slaves at Kilwa and Bagamoyo, and imprisoned the dealers in irons; this is the news, and at Bagamoyo the agents are sending back their money.

[NOTE.—Then follows reference to Slave Orders for the above parties—partly illegible.]

(Inclosure 3.)—*Proclamation : Draft No. 1.*

[For Proclamation, see page 455.]

(Inclosure 4.)—*Proclamation : Draft No. 2.*

[For Proclamation, see page 456.]

*No. 279.—Dr. Kirk to the Earl of Derby.—(Received June 6.)*

MY LORD,

*Zanzibar, April 26, 1876.*

IT will be remembered that before setting out last year to accompany Saeed Burgash to Europe I had the honour to report that His Highness had freed his domestics and household slaves by a posthumous deed of manumission.

Freeing slaves on the death of the master is an act well known in the Mohammedan Code and strictly regulated by its provisions, and, as a consequence of one of these, the intention of the master may be partly frustrated should he leave either an embarrassed estate, or where the value of the slaves to be freed under such a deed is more than one-third the total realized assets, for a fundamental principle of Mohammedan law is that no one may alienate by will or other instrument having effect after death more than one-third of his estate, the remainder being disposed of according to the Mohammedan succession laws.

Influenced by this, and desirous of setting an example to his people, His Highness has now freed his household slaves, giving them their deeds of freedom, drawn up by the Kathi and countersigned and sealed by me.

Thus His Highness from master becomes as regards these people what is called the "manla," or guardian. He has henceforth no power to enforce their services or to detain them unwillingly, and neither he nor his heirs can take the property of these freed slaves, as they could otherwise have done. The children of these people also are free, and inherit from their father or heirs. The property of the deceased slave goes to the master, the slave having in the eye of the law no independent existence.

Although I have little doubt Saeed Burgash's domestics will continue to serve him (since he became Sultan he has given them, even as slaves, regular wages), their position is totally altered; and although few of his people may copy his example, yet such an act as this on the part of a Ruler has an influence in forming public opinion on the great question of slavery.

Although a private act, I have thought it worthy of mention to your Lordship, coming as it now does with others of a public nature that indicate His Highness' feeling on slavery.

I have, &c.,

*The Earl of Derby.*

JOHN KIRK.

No. 280.—*Dr. Kirk to the Earl of Derby.*—(*Received June 6.*)

(Extract.)

*Zanzibar, April 28, 1876.*

IN continuation of my despatch of 20th instant, reporting the successful issue of the negotiations with which I had been intrusted by your Lordship for the suppression of the land Slave Traffic, I have now the honour to forward copies of the two Proclamations as finally issued for stopping the land slave-route, and the fitting out of slave-hunting expeditions for the interior.

On the 21st of April I received, for perusal, the Sultan's letters of instruction to the Governors on the coast, forwarding the Proclamation, and now inclose in translation the circular letter addressed to the principal local authorities, and that to the Governor of Kilwa.

I shall have copies of the notification printed in Arabic, with an English and Swahili translation, the latter in the native character understood by all classes, for distribution on the coast, and in the interior on the line of caravan-routes, and I shall take care that Mr. Young, now established on Lake Nyassa, is made aware that the slave-dealers who scour that country are liable to imprisonment, and to the confiscation of their slaves.

Your Lordship is aware that, through the preliminary action taken in this matter by me, the Slave Trade had been driven into the hands of Arabs of the lowest class, foreigners to Zanzibar, whose business it was to convey slaves from Kilwa by land, purchased with money obtained in Pemba or Lamo, and deliver them to their employers. These men, who, knowing the consequences in case of detection, did not hesitate to fire on our boats when escape of their slave-cargo became otherwise hopeless, are not likely tamely to submit and give up their slaves to the miserable soldiery of Saeed Burgash, or the authority of his Governors; and as I shall now take even greater pains than before to be informed, and so force the local authorities to act, collisions on the coast are therefore almost certain. I have therefore renewed your Lordship's assurances of assistance and support from the British authorities, should the steps His Highness has taken make them necessary, and I shall see that your Lordship's assurances are carried into effect.

Hitherto His Highness has been safe against any wide combination, notwithstanding the unpopularity that attends an empty exchequer, by fair administration of justice under his rule; but the successive steps he has taken, first in abolishing slavery in the north, and now forbidding the acquisition of new slaves, everywhere have placed him in individual antagonism to all his people, and in disfavour with the foreign merchants.

*The Earl of Derby.*

JOHN KIRK.

(*Inclosure 1.*)—*Circular Letter to the Zanzibar Governors on the Coast, forwarding Proclamations.*

(Translation.)

To the Governor of

(After compliments.)

I SEND you a Proclamation which you will see posted at the Custom-house, and you will stop the arrival of slaves at your place and at all villages in its vicinity, and whosoever transgresses this our order you will imprison and take possession of his slaves, informing us thereof.

Dated the 24th Rabea el Awal, 1293 (20th April, 1876).

This is from Burgash bin Saeed and written with his own hand.

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(*Inclosure 2.*)—*Letter forwarding two Proclamations addressed to the Governor of Kilwa.*

(Translation.)

(After compliments.)

I SEND you two Proclamations, which you will see posted at the Custom-house, and you will prevent the fitting out, departure, and return of slave-caravans from and at Kilwa and all the places in its neighbourhood, and any one acting in disobedience to our orders you will imprison and seize his slaves, reporting to us your proceedings.

Dated 24th Rabea el Awal, 1293 (20th April, 1876).

This is from Burgash bin Saeed and written by his own hand.

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(*Inclosure 3.*)—*Proclamations of the Sultan of Zanzibar, suppressing the Inland Slave Trade.—April 18, 1876.*

(Translation.)

In the Name of God, the Merciful, the Compassionate.

(Seal of His Highness Saeed Burgash.)

From Burgash bin Saeed bin Sultan.

To all whom it may concern of our friends on the mainland of Africa, the Island of Pemba, and elsewhere.

WHEREAS, in disobedience of our orders, and in violation of the terms of our Treaties with Great Britain, slaves are being constantly conveyed by land from Kilwa for the purpose of being taken to the Island of Pemba: Be it known that we have determined to stop, and by this order do prohibit all conveyance of slaves by land under any conditions; and we have instructed our Governors on the coast to seize and imprison those found disobeying this order and to confiscate their slaves.

Published the 22nd of Rabea el Awal, 1293 (being equivalent to 18th April, 1876).

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*(Inclosure 4.)—Proclamation.**(Translation.)*

In the Name of God, the Merciful, the Compassionate.  
 (Seal of His Highness Saeed Barghash.)

From Burgash bin Saeed bin Sultan.

To all whom it may concern of our friends on the mainland of Africa and elsewhere.

WHEREAS slaves are being brought down from the lands of Nyassa, of the Yao, and other parts, to the coast, and there sold to dealers, who take them to Pemba, against our orders and the terms of the Treaties with Great Britain: Be it known that we forbid the arrival of slave-caravans from the interior, and the fitting out of slave-caravans by our subjects, and have given our orders to our Governors accordingly, and all slaves arriving at the coast will be confiscated.

Published the 22nd of Rabea el Awwal, 1293 (being equivalent to 18th April, 1876).

*No. 284.—Dr. Kirk to the Earl of Derby.—(Received June 6.)*

MY LORD,

*Zanzibar, May 4, 1876.*

As my assistance has been asked by the German Consul here to induce the Sultan to punish a Somali who assaulted a German merchant at Merka in the Benadir, and as it is possible the matter may be referred to Berlin and eventually come before your Lordship, I have the honour to state that while a Danish schooner, chartered by the Hamburg house of Hansing and Co., was at anchor on the roadstead at Merka loading with produce, two Germans, one a son of Mr. Hansing, and Mr. Woolfhart, the resident agent of the house in the Benadir, were on the beach shipping goods, a Somali came behind the latter and cut at his head with a heavy sword, inflicting a wound on the skull that, but for the thick hat he wore, would have been fatal.

Mr. Hansing, junior, with the aid of natives, secured the would-be murderer, who was sent in the Danish schooner, in charge of the Sultan's soldiers, to Zanzibar, and made over to the Sultan.

From what I have seen of the depositions, there seems no doubt the Somali intended to kill Mr. Woolfhart, for no other cause than being a Christian and a white man. His father and grandfather, he is reported to have said, had killed white men, and he should do the same if he ever had the chance. He belongs to some very distant tribe, and is an utter stranger to the Bimal and other Somalis near Merka, and they, it seems, all agree in denouncing his act. Who he is or where he really comes from seems unknown; but the Sultan, one of whose weak points is a want of firmness in

punishing crimes, declined to look on the affair from any other point of view than as a petty assault ending in the infliction of a wound that seems not to have endangered life, and refused to take into consideration the object and purpose of the criminal, or the danger if such a wretch were again let loose.

Having failed to obtain what was demanded, the German Consul asked officially for my intervention, and that I would use my influence with the Sultan.

On looking at the correspondence, I found the German Consul had officially demanded, first, a public flogging of 100 lashes with the stick, to be followed by imprisonment for life.

Flogging to such an extent with the stick here used would be probably fatal, and certainly it was what I could not join in urging; but I considered that while a moderate flogging, in order to make the matter public, should be given, it was essential to see that he was imprisoned for life, and prevented from repeating the crime; and I told the Sultan that while the capital punishment was a thing I, as a British official, should leave to be settled between himself and the German Consul, it was my strong opinion he would be very remiss in the discharge of his duties to the European community if he allowed this Somali ever to get loose, and that he would thereby make himself personally responsible for anything that might happen in consequence.

I understand His Highness has written to the German Consulate, stating that the Somali will be imprisoned and kept in irons all his life; but I believe he declines to give the flogging asked, although that official has reduced the number of lashes, with which he will be satisfied, to 50.

I have suggested to the German Consul that he ought now to acquiesce, but require the Sultan to put up a public notice under his seal at Merka and the Benadir, stating the sentence.

I have, &c.,

*The Earl of Derby.*

JOHN KIRK.

*No. 292.—Mr. Lister to Dr. Kirk.*

SIR,

*Foreign Office, June 15, 1876.*

I HAVE laid before the Earl of Derby your despatch of the 26th April last, reporting that the Sultan of Zanzibar has emancipated his household slaves; and I am now directed by his Lordship to instruct you to congratulate His Highness, in the name of Her Majesty's Government, upon the humane and wise conduct which he has pursued in this matter.

I am, &c.,

*Dr. Kirk.*

T. V. LISTER.

*No. 295.—Mr. Lister to Dr. Kirk.*

SIR,

*Foreign Office, July 6, 1876.*

WITH reference to your despatch of the 4th May last, I am directed by the Earl of Derby to transmit to you herewith, for your information, copy of a despatch from Her Majesty's Chargé d'Affaires at Berlin, reporting the satisfaction of the German Government with the steps which you took at the instance of your German colleague to induce the Sultan of Zanzibar to punish a Somali for an assault upon a German merchant.

I am, &c.,

*Dr. Kirk.*

T. V. LISTER.

*(Inclosure.)—Mr. Macdonell to the Earl of Derby.*

MY LORD,

*Berlin, July 1, 1876.*

IN accordance with the instructions conveyed to Lord Odo Russell in your Lordship's despatch of the 15th June, I have communicated to the German Government Dr. Kirk's despatch of the 4th May last, reporting the steps he had taken at the instance of his German colleague to induce the Sultan of Zanzibar to punish a Somali who had assaulted a German merchant.

Herr von Phillipsborn, to whom I made the above communication, said that Dr. Kirk's proceedings on that occasion had met with the highest approval, and the earliest opportunity would be taken to convey to Her Majesty's Agent and Consul-General the thanks of the German Government.

I have, &c.,

*The Earl of Derby.*

H. G. MACDONELL.

*No. 297.—Dr. Kirk to the Earl of Derby.—(Received July 13.)*

MY LORD,

*Zanzibar, May 18, 1876.*

I HAVE the honour to report that, on the night of the 12th instant, His Highness the Sultan seized a large slave-vessel with slaves on board, of which he had received secret information, and which, but for the steps taken by Saeed Barghash, would have sailed the same night for Arabia.

This capture was not effected without the use of force, and shots were exchanged on both sides. In the dhow, which was a very large one, measuring over 150 tons, and of a class peculiar to the Persian Gulf, nine slaves were found secured, two others ready for shipment were taken on the beach, but the greater part of the slave-cargo had not been brought down; all the slaves in this case had been kidnapped in the town of Zanzibar and its vicinity, none purchased, and there is every reason to think that those concerned are men whose business has of late been to convey slaves to Pemba, and who, finding their employment too dangerous since the issue of the last Proclamation, had determined to return to their native land in Oman with their ill-gotten gains, taking a cargo of stolen slaves with them.

The vessel is owned by a wealthy Arab residing at Ras el Hema, but there is no reason to believe that he was aware of the illicit traffic his agent, the captain, was about to engage in.

The vessel, with all her gear and fittings, was burned in harbour, by order of the Sultan, on the 15th instant, and her seizure and destruction by the Zanzibar authorities has had a good effect.

As this is an instance in which an attempt was made to take slaves to Arabia, I may observe that I am aware of only two slave-vessels having left the African coast for Arabia this season; one with about 100 slaves was spoken with at sea off Malindi, going north, but there is nothing to indicate whence she sailed, or by whom owned.

The second is the dhow of one Seyd Akil of Dufar "sailing under the French flag." This is a very large vessel, which, on coming from Madagascar with the first of the south-west monsoons, took to Pemba a large number of slaves; of these, some, being domestics, were taught to say that they went as passengers, and, as such, registered before the French Consul; others were here added, and the vessel touching at Pemba, two of those landed in that island escaped and returned at Zanzibar. By these I am told the vessel has now proceeded on her voyage to Arabia, with a full cargo of slaves for sale. As the information given me by the two runaway slaves, who are of those shipped as passengers at the French Consulate, agrees with what I heard elsewhere before their return, and from totally independent sources, I have no doubt that a large cargo has been carried off in this French vessel; but I shall, on the return from Mombasa of my French colleague, who has always shown himself ready to investigate fairly such matters, place the information I possess before him, and allow him to take the steps he thinks best.

The vessel having escaped, there will obviously be difficulty in bringing proof home should she return to Zanzibar next year.

I have, &c.,

*The Earl of Derby.*

JOHN KIRK.

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No. 299.—*Dr. Kirk to the Earl of Derby.*—(Received July 13.)

(Extract.)

*Zanzibar, June 1, 1876.*

In my former Report, dated 18th May, in which I stated that the people of Kilwa and its vicinity had combined to resist the new law stopping slave-caravans, I mentioned that such an event as then occurred had not been unforeseen, and that Her Majesty's ship *Thetis* had gone to uphold the Sultan's authority, and see that the Zanzibar Governor did his duty at the onset and followed the very stringent instructions of his chief.

I also informed your Lordship that His Highness determined to strengthen the force at Kilwa without delay, and that under the circumstances I considered it my duty to join Captain Ward, and

make myself personally acquainted with what passed with a view to frustrate the future plans of the slave-dealers.

Going as I did, I was enabled to act independently and to see that my advice was followed.

On arrival at Kilwa I learned from Captain Ward, and also from the Governor Sa'eed bin Abdullah, that the Proclamations, having reached on the 12th of May, were at once issued, and that the people finding the Governor with only 30 soldiers under his command, the remainder being in charge of distant outposts on the coast from which they could not be recalled in time, had determined, with a force of about 3,000 armed men, old slave-hunters, to attack the place on the evening of the 16th, when, after removing the obnoxious Proclamations, they proposed expelling the Governor and Custom-house officials.

However successful such a movement might have been at the time, the Sultan would have found no difficulty in at once re-establishing his authority at Kilwa, but the arrival of Her Majesty's ship *Thetis* on the 15th anticipated the necessity of all other action, and at once gave confidence.

Had the town been pillaged few honest men would have suffered, but the effect elsewhere would have been embarrassing; it was, therefore, with much satisfaction I found that Captain Ward's timely appearance had put an end to all fear of disturbance, and made the dealers see that, however they may continue to evade the law, open resistance is impossible.

While at Kilwa I ascertained that, on the issue of the Proclamations, all slaves then in town were moved off one or two stages and concealed in the swampy district of the Lufiji. I was told on good authority, and the fact was admitted by the Governor, that as many as 6,000 slaves were thus carried away in chains to avoid confiscation, but for Europeans to have followed them at this time of year in the marshes where they had taken refuge would have been imprudent and probably useless.

The leader of a caravan sent by Makanjila, a chief on Lake Nyassa, which arrived with 300 slaves subsequent to the issue of the new law, being in town, I had him called and, on refusal to disclose where the slaves were concealed, placed under arrest, and moved a prisoner on board Her Majesty's ship *Thetis*, to be conveyed to Zanzibar, my object being to make him perfectly understand, and on his return explain to his chief—who is perhaps the greatest slave-dealer at present in Eastern Africa—that the step now taken was not simply an attempt on the part of the Governor of Kilwa to obtain possession of his slaves, but the result of an order from headquarters that will be enforced.

The Governor and others would, however, have willingly allowed

the man to escape, fearing the revenge of Makanjila, in whose hands they have at present so much at stake. The Governor, as I ascertained, has two caravans up-country, and there are 40,000*l.* worth of goods in the interior owned by Kilwa people, almost all of which are intended to be used for the purchase or capture of slaves.

Every one in Kilwa is, as I have before said, interested in the Traffic, from the Governor to his meanest soldier; all have their venture, and the elders of the place with their followers live off the native caravans that come down, no trade being allowed unless they first receive their exorbitant claims.

The Indian merchants of Kilwa are not less implicated, though in most cases they doubtless manage to evade the letter of the law, by granting advances, which they know are for the Slave Trade, under other names. These lend the goods with which most of the slaves are purchased, and so flourishing has the business been that no one has any difficulty in finding one to advance him the means of going to the Lake. Thus I heard of a soldier whose pay is three dollars a month, on which he is expected to find his house, food, arms, and clothing, having had a caravan of 300 slaves plundered not far from Kilwa; had they only have reached, he would have obtained upwards of 1,000*l.* sterling, which, allowing for the usurious rates taken by the lenders in such a trade, must still have made him very independent.

I therefore thought it necessary to issue a public notice in the native language, informing the people that while, on the one hand, all slaves coming down would be seized and confiscated, I would not listen to or support with my influence any action brought by the Indian lender of the goods in cases where slaves have been brought to the coast; and if this should shake the confidence of the Indian lenders, one more serious difficulty will have been placed in the way of slave-caravans fitting out.

The great impetus lately given to the Slave Traffic by the demand of moneyed men in Pemba has had the effect of destroying all legitimate trade at Kilwa.

During the past year only 90,000 dollars' worth of ivory arrived, and this year the amount will be much less; 18,000 dollars' worth of tobacco also came from the Lake country: thus 108,000 dollars is the total legitimate trade that now comes by the Nyassa route, while during the two past years the district near Cape Delgado has developed a trade hitherto unknown, and exports 200,000 dollars' worth of india-rubber, an article that equally abounds in the forests all along the coast.

Before quitting Kilwa I urged the Governor to take steps for the arrest of all the Kilwa chiefs who took part in resisting the Sultan's orders, and to send them prisoners to Zanzibar, as I

considered it expedient to take the present occasion of crushing their power and abolishing the prohibitive taxes they levy, on their own responsibility, on all goods, slaves included, that reach the coast in the hands of natives.

Before going to Zanzibar, Captain Ward and I thought it expedient to visit Dar-es-Salaam and learn there what effect had been produced by the Slave Trade Proclamations. We ascertained that the caravans had been driven off the old route far inland, but that they were there in danger of being plundered by the turbulent Wazaramo. It was necessary, however, to teach the Governor that he must not rest satisfied with sending the caravans outside the usual limits of his power, but take steps to seize and confiscate the slaves, and I hope that this will have been done before I again have occasion to write to your Lordship.

Dar-es-Salaam is in many ways favourably situated for any operation we may be asked to assist. His Highness in, with the object of stopping caravans; but I am not desirous to be drawn into action that would involve passing the night on shore until the feverish season is over, which it cannot be said to be before the middle of July.

At Dar-es-Salaam I had an opportunity of seeing the instructions of the Sultan to his Governor, and certainly nothing could have been more clear or strong, and there is no doubt he fully understands that it is his interest to see the Traffic totally abolished, and will not only do all he can, but give us all reasonable facilities to aid him where his power is inadequate to the task.

I trust, my Lord, that the course I have followed in first securing these vast concessions from the Sultan, and in assisting him to enforce his authority, and induce his Governors to act up to their orders, may meet with the approval of Her Majesty's Government.  
*The Earl of Derby.* JOHN KIRK.

*No. 300.—Mr. Lister to Dr. Kirk.*

SIR,

*Foreign Office, July 13, 1876.*

I AM directed by the Earl of Derby to transmit to you herewith, for your information, copy of a despatch and of its inclosure from Her Majesty's Ambassador at Paris,\* from which you will perceive that fresh instructions have been sent to the Commander of the French Squadron in the Indian Ocean, and to the Governor of Réunion, respecting the abuse of the French flag by traders in slaves on the East Coast of Africa.

I am, &c.,

*Dr. Kirk.*

T. V. LISTER.

No. 302.—*Mr. Lister to Dr. Kirk.*

SIR,

*Foreign Office, July 28, 1876.*

I AM directed by the Earl of Derby to transmit to you the accompanying copies of a letter and its inclosures from the Colonial Office, on the subject of the introduction of liberated slaves into the Cape Colony.

You will perceive that the Cape Government are prepared to guarantee the payment of all expenses connected with the introduction of natives rescued from slavery on the East Coast of Africa, and to provide suitable employment on arrival for any labourers that may be sent; and, under these circumstances, I am to instruct you to furnish Lord Derby with your opinion upon the proposed scheme.

I am, &c.,

*Dr. Kirk.*

T. V. LISTER.

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(*Inclosure 1.*)—*Mr. Malcolm to Mr. Lister.*

SIR,

*Downing Street, July 19, 1876.*

WITH reference to the letter from this Department of the 9th January, 1874, and your reply of the 17th of the same month, I am directed by the Earl of Carnarvon to transmit to you a copy of a despatch from the Governor of the Cape, inclosing a Minute from his Ministers guaranteeing payment of the cost of introduction of any liberated slaves who may be assigned to the Colony.

I am to request you to move the Earl of Derby to issue the necessary instructions to the proper officer to secure an apportionment of liberated slaves to the Cape Colony.

I am, &c.,

*T. V. Lister, Esq.*

W. R. MALCOLM.

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(*Inclosure 2.*)—*Governor Sir H. Barkly to the Earl of Carnarvon.*

MY LORD,

*Government House, Cape Town, June 12, 1876.*

WITH reference to a despatch from your Lordship's predecessor, dated the 24th January, 1874, on the subject of apportioning to this Colony some of the Africans rescued by Her Majesty's cruisers from slavers on the East Coast, I have the honour to state that my attention having been recently drawn by my advisers to the fact that none had hitherto been received, I pointed out to them, in reply, that I had never been authorized to make the arrangements contemplated for payment of all expenses of their introduction.

I have the honour now, in consequence, to transmit copy of a Ministerial Minute formally guaranteeing the cost, and undertaking to provide suitable employment on arrival for any labourers that may be sent.

I have, &c.,

*The Earl of Carnarvon.*

HENRY BARKLY.



(*Inclosure 3.*)—*Minute on a despatch from the Right Honourable the Secretary of State for the Colonies, on the subject of the Introduction into the Colony of Natives rescued from Slavery on the East Coast of Africa.*

MINISTERS recommend that such proportion of liberated Africans as the Right Honourable the Secretary of State may be pleased to allot to this Colony should be introduced for railway services.

Ministers are prepared to guarantee the cost of the introduction of these labourers from public funds of the Colony, and to undertake to provide suitable employment for them on their arrival.

J. C. MOLTENO.

*Colonial Secretary's Office, Cape Town,*

*Cape of Good Hope, June 10, 1876.*

*No. 313.—Dr. Kirk to the Earl of Derby.—(Received August 3.)*

MY LORD,

*Zanzibar, June 21, 1876.*

WITH reference to former correspondence regarding the trial and punishment of the murderers of Manji Muralji, a British-Indian resident of Lamo, on the African Coast, I have the honour to report that the only witness present who saw the murder committed having now been produced and examined, I asked the Sultan to pass sentence on the two murderers according to law, there being ample proof by their own confessions, and the evidence of Mariam, the witness, as also through circumstantial evidence, that the two men, Ali bin Pumu Bekr and Musa Sadiki, murdered the Banian, mutilated the body, and, after the murder, abstracted the key of his shop, which they rifled the same night, before the murder was discovered.

From the unsatisfactory evidence of the woman Mariam, who perjured herself when in Court, it could not be substantiated that she had been employed by the murderers to entice the victim to the house where he was set upon and killed, although she said so at her first examination in Lamo; but, on the other hand, she would not allow that the Banian was having criminal connection with her as set up in palliation by one of the murderers, the owner of the woman. Thus, if it was impossible to prove conspiracy to murder, the defence equally failed in showing extenuating circumstances, although it is not at all unlikely that the woman was employed as a prostitute to get the man in the hands of the murderers, and from the fact that the key was cut off the body, the shop opened and goods removed, robbery was no doubt the object for which the crime was committed. The mutilation of the body is only in keeping with the custom of the treacherous, cruel, and bloodthirsty races of that

part who, the nearer we approach the Somali land, show less regard for life.

The case being thus closed, and a revolting murder followed by robbery proved, I addressed the Sultan a note, asking him to pass the sentence of death in accordance with Mohammedan law, and His Highness, having, as I anticipated, declined to order the execution of the murderers, and asked that we should rest satisfied with imprisonment for life, I have, as formerly instructed by your Lordship, informed the Sultan that I shall refer the whole matter to Her Majesty's Government before either concurring in the sentence or demanding other punishment.

I may observe that the absurdity of making the sentence in such an aggravated case as the present the same as in that of the Somali who committed an attempt to murder without succeeding in inflicting serious injury is apparent; but I shall now await your Lordship's instructions on the subject before communicating further with His Highness, and the murderers will, in the meantime, remain in the Arab fort.

I have the honour to inclose, for your Lordship's information, copy of the proceedings in the case. Had the trial been undertaken on the spot there would undoubtedly have been more complete evidence, irrespective of the confessions of the murderers; but in looking at such a case it is to be remembered that the trial was conducted by and before the Zanzibar authorities, and that the confessions of the murderers were made at Lamo only after the Governor held good proof of the principal facts.

I have, &c.,

*The Earl of Derby.*

JOHN KIRK.

(*Inclosure 2.*)—*Dr. Kirk to the Sultan of Zanzibar.*

SIR,

*Her Majesty's Agency, June 9, 1876.*

I HAVE the honour to inform your Highness that I have examined the female Mariamo, the witness in the case of the murder of the Banian at Lamo, and that I find her evidence unreliable and contradictory on many points, though tending generally to confirm the statement she made at Lamo when the circumstances were fresh in her memory.

The case, therefore, remains proved against the two parties accused, and without extenuating circumstances, that they killed the Banian Manji Muraji, mutilated the body, and concealed it, taking off the key of his shop for the purpose of entering it and abstracting goods.

Now I have the honour to suggest that your Highness will pass judgment upon them both according to Mohammedan law and the

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evidence in the case, for they are both guilty of murder, and sentence them to suffer capital punishment.

JOHN KIRK, *Her Majesty's Agent and  
The Sultan of Zanzibar.* *Consul-General.*

(*Inclosure 3.*)—*The Sultan of Zanzibar to Dr. Kirk.*

(Translation.)

(After compliments.) 26 *Jemad-al-Awal*, 1293 (*June 19, 1876*).

YOUR letter of 9th June has been received, and what you state with reference to the murder of the Banian, that the guilty parties ought to be executed, fully understood, but we ask that they may be kept in irons to the time of their death; and you are aware that there are now in the fort several murderers undergoing the same sentence, namely, imprisonment for life, and we trust this will be counted as adequate punishment.

*Dr. Kirk.*

SAEED BURGASH.

(*Inclosure 4.*)—*Dr. Kirk to the Sultan of Zanzibar.*

SIR,

I HAVE the honour to acknowledge receipt of your Highness's letter of 19th June, informing me that you intend passing sentence of imprisonment for life on the two murderers, Ali Pumu Bukr and Moosa Sadiki, and not ordering their execution.

In accordance with Lord Derby's instructions, I shall now refer the matter to Her Majesty's Government, before I am able either to concur in the justice of the sentence or demand the full penalty required by Mussulman law.

JOHN KIRK, *Her Majesty's Agent and Consul-General.*

(*Inclosure 5.*)—*The Sultan of Zanzibar to Dr. Kirk.*

*Zanzibar*, 28 *Jemad-al-Awal*, 1293 (*June 21, 1876*).

(After compliments.)

(Translation.)

YOUR honoured letter reached us, and your friend has understood what you say, and I am pleased to know that you are to report on the subject to the exalted Wazeer, Lord Derby. But be so good as to explain at the same time that since our accession in the year of the Hegira 1287, up to the present time, we have never executed any criminal, but kept them confined in prison in irons, to death; and should any orders arrive from Lord Derby in this case, the condemned criminals are here, and in this I beg your intervention.

*Dr. Kirk.*

SAEED BURGASH.

.No. 316.—*Dr. Kirk to the Earl of Derby.*—(*Received August 3.*)

MY LORD,

*Zanzibar*, June 27, 1876.

WITH reference to Mr. Churchill's Report from Reabt regarding

the introduction of African slaves into Persia,\* through Russian territory, conveyed to me in Mr. Lister's despatch of May 29, I have the honour to remark that until the export of slaves was seriously affected by the operation of the Treaty of 1873, Egypt, Arabia, and Persia were freely supplied from Zanzibar, and that it was a customary thing for pilgrims to purchase slaves at Mekka before their return home.

There is every reason to think that the supply of Zanzibar slaves to Arabia and Egypt has now been cut off by sea, and it certainly is quite impossible to march them by land to the Red Sea ports through the Zanzibar dominions and independent Somali country in the face of the obstacles now placed in the way. Still slaves formerly taken to Arabia are gradually being passed from hand to hand to the furthest quarter of eastern slave-holding countries, and I doubt not that those spoken of by Mr. Churchill have been many years on their way north, and the enhanced price now being paid in those distant parts, as stated, by Ferhand Mirza, uncle of the Shah of Persia, is the surest sign that our endeavours to stop the Traffic are having a practical effect throughout the East.

I have, &c.,

*The Earl of Derby.*

JOHN KIRK.

No. 321.—*Mr. Lister to Dr. Kirk.*

SIR,

*Foreign Office, August 19, 1876.*

WITH reference to your despatch of the 22nd June, I am directed by the Earl of Derby to state to you that his Lordship is glad to learn the successful results of the Proclamation recently issued by the Sultan of Zanzibar, forbidding the transport of slaves by land and the fitting out of slave-caravans.

I am at the same time to express his Lordship's concurrence in your opinion that it will be necessary to keep a strict watch on the Sultan's authorities, in order to prevent their evading the provisions of the new Laws, and also to afford His Highness a judicious assistance in carrying into effect his Proclamation of the 18th April last.

I am, &c.,

*Dr. Kirk.*

T. V. LISTER.

No. 338.—*Sir J. Pauncefoot to Dr. Kirk.†*

SIR,

*Foreign Office, October 21, 1876.*

I AM directed by the Earl of Derby to transmit to you a copy of a Memorial from the Anti-Slavery and Aborigines Protection Societies, calling attention to the proceedings of Mr. Stanley in the interior of Africa, and to the painful impression which has been produced in this country by the reports of his collisions with native tribes.

\* Page 348.

† A similar letter was addressed to Consul Elton.

Her Majesty's Government do not feel themselves in a position to interfere directly in Mr. Stanley's proceedings, as he is not a British subject, and they have therefore confined themselves to representing the circumstances, as at present known, to the Government of the United States.

It is, however, stated that Mr. Stanley has been in the habit of hoisting the British flag in his expeditions against the natives, and I am to instruct you to endeavour to convey to Mr. Stanley, if any opportunity of communication should be open, an intimation that he has no authority to make use of the British flag as giving countenance to his proceedings.

I am, &c.,

Dr. Kirk.

JULIAN PAUNCEFOTE.

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(Inclosure 1.)—*The Committee of the Anti-Slavery and Aborigines Protection Societies to the Earl of Derby.*

MY LORD,

*King Street, Westminster, September, 1876.*

ON behalf of the Committees of the Anti-Slavery and Aborigines Protection Societies, we beg respectfully to call your Lordship's attention to certain proceedings of Mr. Stanley, the African traveller, at Bambireh Island, on Lake Victoria, Nyanza, which are detailed in two letters by him, dated respectively July 29 and August 25, 1875, and published in the "Daily Telegraph" on August 7 and 10 of the present year.

From these letters it appears that when Mr. Stanley arrived at Bambireh, the natives dragged his boat ashore, and assumed an attitude so hostile that he apprehended serious consequences to himself and to his party. We do not wish to depreciate the gravity of the danger to which he may have been exposed from his unexpected appearance in the midst of a community of savages, but we cannot forbear to remark that many distinguished African travellers have passed through scenes far more turbulent and perilous without sustaining greater injury than a brief, though disagreeable, detention, and the loss of a few goods. Mr. Stanley, according to his own account, was able to get off his boat and resume his voyage without having suffered any of the dreadful things which he supposed it was the intention of the natives to inflict upon him.

Mr. Stanley lost no time in severely punishing the people of Bambireh for their unfriendly conduct, and as we have no desire even to appear to exaggerate, we subjoin, for your Lordship's information, his own account of what took place. He says:—

"As soon as I saw the savages had arrived in the presence of Shekka with our drum, I shouted to our men to push the boat into the water. With one desperate effort my crew of 11 hands lifted and shot it far into the lake, the impetus they had given it causing

it to drag them all into deep water. In the meantime the savages, uttering a furious howl of disappointment and baffled rage, came rushing like a whirlwind towards their canoes at the water's edge. I discharged my elephant rifle, with two large conical balls, into their midst; and then assisting one of the crew into the boat, told him to help his fellows in, while I continued to fight. My double-barrelled shot gun, loaded with buck-shot, was next discharged with terrible effect; for without drawing a single bow or launching a single spear, they fell back up the slope of the hill, leaving us to exert our wits to get ourselves out of the cove before the enemy should decide to man their canoes. My crew was composed of picked men, and in this dire emergency they did ample justice to my choice. Though we were without oars, they were at no loss for a substitute. As soon as they found themselves in the boat they tore up the seats and footboards and began to paddle, while I was left to single out with my rifles the most prominent and boldest of the enemy. Twice, in succession, I succeeded in dropping men determined on launching the canoes; and seeing the sub-Chief, who had commanded the party that took the drum, I took deliberate aim with my elephant rifle at him. That bullet, as I have since been told, killed the Chief and two others who happened to be standing a few paces behind him, and the extraordinary result had more effect, I think, on the superstitious minds of the natives than all previous or subsequent shots. On getting out of the cove we saw two canoes loaded with men coming out in pursuit from another small inlet. I permitted them to approach within 100 yards of us, and this time I used the elephant rifle with explosive balls. Four shots killed five men and sunk the canoes. This decisive affair disheartened the enemy, and we were left to pursue our way unmolested,—not, however, without hearing a ringing voice shouting out to us, 'Go, and die in the Nyanza.' When the savages counted their losses they found 14 dead and wounded with ball and buck-shot; which, although I should consider it to be very dear payment for the robbery of eight ash oars and a drum, was barely equivalent in fair estimation to the intended massacre of ourselves."

Mr. Stanley's narrative contains no evidence to justify the belief that the natives intended to massacre his party; but even if his surmise were proved to be correct, we venture to submit that the murderous acts of retaliation he committed were unworthy of a man who went to Africa professedly as a pioneer of civilization. Explosive bullets are prohibited in civilized warfare, but Mr. Stanley did not hesitate to use them at Bambireh.

Mr. Stanley having proceeded on his voyage, described himself, a few days later, as feeling "grateful to Providence and kindly disposed to all men." Yet, although thus charitably moved, he medi-

tated the infliction of further and still more sanguinary reprisals on the natives. In the first place, however, he despatched a message to them to the effect that if they delivered their King and the two principals under him to his hands he would make peace with them, but they refused to be guilty of this act of treachery to their Chief. Nevertheless, by putting the King of Juba and three of his Chiefs in chains, and making their release conditional on the capture of the King of Bambireh, Mr. Stanley induced the men of Juba to lay hands on that Chief and to bring him to the traveller, by whom he was "at once chained heavily."

This, however, was not enough; Mr. Stanley determined "to make war" on Bambireh itself, and accordingly he organized a force of 280 men—50 musketeers and 230 spearmen, who were placed in a fleet of 18 canoes. The details of the attack are thus described in his own words:—

"The enemy perceiving my intention to disembark, rose from their coverts and ran along the hills to meet us, which was precisely what I wished they would do, and accordingly I ordered my force to paddle slowly so as to give them time. In half-an-hour the savages were all assembled in knots and groups, and after approaching within 100 yards of the beach I formed my line of battle, the American and English flags waving as our ensigns. Having anchored each canoe so as to turn its broadside to the shore, I ordered a volley to be fired at one group which numbered about 50, and the result was several killed and many wounded. The savages, perceiving our aim and the danger of standing together, separated themselves and advanced to the water's edge, slinging stones and shooting arrows. I then ordered the canoes to advance within 50 yards of the shore and to fire at close quarters. After an hour the savages saw that they could not defend themselves and retreated up the slope, where they continued still exposed to our bullets. I then caused the canoes to come together, and told them to advance in a body to the beach as if about to disembark. This caused the enemy to make an effort to repulse our landing, and accordingly hundreds came down with their spears ready on the launch. When they were close enough the bugle sounded a halt, and another volley was fired into the spearmen, which had such a disastrous effect that they retired far away and our work of chastisement was consummated. Not many cartridges fired, but as the savages were so exposed on a slope covered with only short grass, and as the sun in the afternoon was directly behind us and in their faces, their loss was great. Forty-two were counted on the field lying dead, and over a hundred were seen to retire wounded, while on our side only two men suffered contusions from stones slung at us."

We respectfully submit to your Lordship that the destruction of

the 42 human beings who were struck dead by Mr. Stanley's bullets, together with the probable death of many of the hundred or more who received agonizing wounds from explosive bullets, was an act of blind and ruthless vengeance which calls for severe animadversion, if not for stronger measures, on the part of Her Majesty's Government. Your Lordship will observe that Mr. Stanley was not called upon to return to Bambireh in the performance of any of the legitimate duties of his mission. He returned there solely from motives of revenge, and in order to gratify that feeling he fired upon a defenceless mob of Africans who, according to his own account, had subjected him to no positive injury. It therefore follows that, whatever excuse may be made for the first attack, the second deserves to be stigmatized as a massacre. We shall look with dismay upon the future of the African Continent if exploration is hereafter to be conducted on principles so entirely at variance with the practice of Livingstone and Speke and of every other explorer of renown. Moreover, we think there is too much reason to fear that hereafter some innocent traveller or pioneer of commercial enterprise will suffer for Mr. Stanley's sanguinary deeds at Bambireh. On account of such persons, as well as for the sake of humanity, we ask for your Lordship's interference.

We do not know whether Mr. Stanley is an American or a British subject, but we are informed that he is a native of this country, and it is, of course, notorious that he has gone to Africa as the representative of an enterprising English journal. Your Lordship will also perceive that Mr. Stanley hoisted the English flag, an act which presupposes complicity on our part with his sinister proceedings, and therefore appears to us imperatively to call for an official repudiation of his claim to be regarded as a representative of England.

In conclusion, we beg to inclose, for your Lordship's further consideration, a copy of a letter which has been addressed to the Aborigines Protection Society by the Rev. J. F. Splaine, S.I., and also to express an earnest hope that Great Britain will take steps to prevent the recurrence of acts calculated to inflict irreparable injury upon the cause of African civilization.

We have, &c.,

Signed on behalf of the Aborigines Protection and British and Foreign Anti-Slavery Societies,

CHARLES J. WINGFIELD, K.C.S.I

JOSEPH COOPER.

EDMD. STURGE.

R. N. FOWLER.

AARON BUZACOTT.

W. F. CHESSON.

*The Earl of Derby.*



(Inclosure 2.)—*The Rev. J. F. Splaine to the Secretary of the Aborigines Protection Society.—August 11, 1876.*

No. 340.—*Sir J. Pauncefote to Dr. Kirk.*

SIR,

*Foreign Office, October 31, 1876.*

WITH reference to your despatch of the 6th of April, I am directed by the Earl of Derby to transmit to you a copy of a despatch from the Lieutenant-Governor of Natal to the Earl of Carnarvon, respecting the liberated Africans sent to that Colony by Her Majesty's Agent at Zanzibar.

I am, &c.,

*Dr. Kirk.*

JULIAN PAUNCEFOTE.

(Inclosure.)—*Lieutenant-Governor Sir H. Bulwer to the Earl of Carnarvon.*

*Government House, Maritzburg, Natal,  
August 28, 1876.*

MY LORD,

IN accordance with the instructions contained in your Lordship's despatch of the 5th of June last, I have the honour to state that the 94 slaves captured by Her Majesty's ship *London*, and referred to by Dr. Kirk, Her Majesty's Agent and Consul-General at Zanzibar, in his despatch to the Foreign Office of the 6th April, were brought down by the Union steam-ship *Kafir*, together with some others captured at different times by various other cruisers. It would appear that 131 liberated slaves in all were put on board the *Kafir* at Zanzibar, that 3 died on the voyage to Natal, and that 128 were landed on the 20th April last, namely, 27 men, 29 women, 46 boys, 20 girls, and 6 infants in arms.

The Protector of Immigrants reports that out of this number 17 have died in depôt, 4 are still in depôt under medical treatment, and the remainder, or 107, have been allotted to approved applicants.

The Protector states that he has every reason to believe that the people allotted are comfortable and well treated. He saw a number of them a short while since, during his inspection of estates in the Victoria County, who all expressed themselves as perfectly happy and contented. He was informed they gave general satisfaction, and were a welcome addition to our labouring population.

I have, &c.,

*The Earl of Carnarvon.*

HENRY BULWER.

No. 359.—*Dr. Kirk to the Earl of Derby.—(Received December 11.)*

MY LORD,

*Zanzibar, November 13, 1876.*

I HAVE the honour to report that some time ago Captain Sullivan, of Her Majesty's ship *London*, communicated privately to M. de Gaspary, Acting French Consul here, information he had received

regarding an Arab who proposed taking a number of slaves with him to Pemba, on board of a French dhow then in harbour.

On the Arab presenting himself at the Consulate on the following day to enrol his people, M. de Gaspary took down their names and asked who they were, and if free; they said they were free, and the Arab produced papers to show this: but on questioning the people themselves the whole was found to be an imposition, deeds bearing the names of men were in the hands of females, boys of not more than 12 years of age answered to the name and showed papers of old date, and on re-examination, when they had all had time to forget the lessons taught them by their master, they gave different accounts from that at first noted.

Satisfied that Captain Sullivan's information was correct, and that an attempt to carry slaves under the French flag was being made, the Consul sent the owner of the slaves to the Sultan with a request that he might be placed in the chain-gang. To this he was told, through his dragoman, the Sultan objected, but he would be placed in heavy irons.

Two days afterwards, however, the same Arab again appeared smiling at the French Consulate, and inquired when the dhow was to sail, and when he could have his passengers entered. The Consul, seeing that the Sultan had released him without any previous communication, allowed him to proceed on board the French dhow with his people, but without placing their names on the passenger list, entering them separately, however, and asking Captain Sullivan to board the dhow and remove or otherwise deal with the slaves and the Arab as he pleased, they not being on the ship's paper.

The dhow accordingly was detained when out of harbour, and the 13 slaves, with their Arab master, removed, by written request of M. de Gaspary, sent through me on board Her Majesty's ship *London*.

Since then the slaves have been freed and given papers made out at this Consulate, but placed in the hands of the slaves by the Sultan himself.

The above occurrence is satisfactory, as making it apparent to the Arabs that between myself and my colleague M. de Gaspary there exists a good understanding, and that they cannot rely on the French flag to protect them against such acts as these.

As to the part taken by the Sultan, I have his assurance that no message ever reached him regarding the punishment of the slave-owner, and I am satisfied that the message was changed or altogether suppressed by the dragoman of that Consulate, a man of poor character, and readily influenced in such matters by means that would not be wanting.

I have, &c.,

*The Earl of Derby.*

JOHN KIRK.

No. 362.—*Sir J. Pauncefote to Dr. Kirk.*

SIR, Foreign Office, December 20, 1876.

I HAVE laid before the Earl of Derby your despatch of the 15th ultimo, reporting the seizure of a slave-caravan by the officers of the Sultan of Zanzibar, and I am now directed by his Lordship to instruct you to express to His Highness the acknowledgments of Her Majesty's Government for this act of energy on the part of his authorities on the mainland. I am, &c.,

*Dr. Kirk.*

JULIAN PAUNCEFOTE.

## REPORTS FROM NAVAL OFFICERS.

### EAST COAST OF AFRICA STATION.

No. 364.—*Rear-Admiral Macdonald to the Secretary to the Admiralty.*

SIR, Doria, at Calcutta, December 29, 1875.

I HAVE the honour to forward herewith, to be laid before the Lords Commissioners of the Admiralty, a letter and its inclosure I have received from Captain Ward, of Her Majesty's ship *Thetis*, detailing certain operations in the Nosumbelava River in latitude 16° 35' south, and longitude 44° 31' east, by the boats of the *Thetis* and *Flying Fish*, against armed Sakalavas, who had fired on the boats of the first-named ship.

Only one man of the *Thetis* was wounded, and he is reported as "doing very well."

I have, &c.,

*Rear-Admiral Hall.*

R. J. MACDONALD.

(*Inclosure.*)—*Captain Ward to Rear-Admiral Macdonald.*

SIR, *Thetis, at Sea, October 9, 1875.*

I HAVE the honour to inform you that on falling in with the launch and cutter which had been cruising on the coast of Madagascar under the orders of the Senior Lieutenant, during the absence of Her Majesty's ship *Thetis* at Zanzibar, Lieutenant Walters reported to me that, on September the 25th, when beating in the launch down the Nosumbelava River, up which he had been to ascertain if any slave-dhows were concealed there, a number of armed Sakalavas suddenly appeared from among the trees on the left bank of the river and poured a volley of musketry into the boat just as she had been put in stays quite close to the bank, which was there about 15 feet high, and consequently the Sakalavas could look right into her. Happily one man only was hit, and the boat, having filled on the other tack, had reached a comparatively safe distance before

a second volley could be got ready. A very few minutes sufficed, while standing across to the right bank, to make the necessary preparations for receiving any further attack in a manner which the suddenness and unexpected nature of the first volley made impossible. The rifles having been got ready and the gun loaded with case-shot, the boat again stood over to the left bank, everybody keeping down below the gunwale, orders having been given to reserve the fire for close quarters. Again the boat was put in stays close to the left bank, and again a number of natives rose from behind the cover of the bank, but this time only to be received, as their treachery deserved, by a well-directed case-shot at close quarters together with a rapid fire of rifles. It is almost unnecessary to add that this was more than they bargained for; from the commanding position which they held, with capital cover in the form of good-sized trees, they probably felt themselves secure against small-arms, but the gun must have told fearfully upon them at the distance at which they received its contents, and from that time, though a desultory fire was continued at the boat from behind trees as she dropped down to the mouth of the river, they never again showed themselves openly on the bank. Lieutenant Walters informed me that as he neared the mouth of the river he observed the white flag hoisted at the village, and the women and children showing themselves unsuspectingly, so that he could not believe that these villages had any cognizance of the treacherous attack made upon him, and he consequently judged it best to rest satisfied with having severely punished his actual assailants without making any reprisals, which might after all fall upon innocent heads. He therefore proceeded out of the river, and on the following day, having fallen in with the *Flying Fish*, he reported the circumstances to Commander Crohan, who considered it unnecessary to take any immediate steps, as the *Thetis* was expected in a few days; and William Large, able seaman, who had been wounded in the back by the first volley, was received on board the *Flying Fish* for surgical treatment.

On the day following that on which I received Lieutenant Walters' report I proceeded in Her Majesty's ship under my command, accompanied by the *Flying Fish*, to an anchorage off the Nossumbelava River, where we arrived on the evening of the 6th October. At daylight on the 7th the *Flying Fish's* cutter and gig, and *Thetis'* cutter and cruising-launch, with Lieutenants Gibbins and Philipps and Commander Crohan and myself, proceeded in tow of our respective steam-cutters up the Nossumbelava River; my intention being to make a reconnaissance over the same ground as Lieutenant Walters had previously traversed, but with a sufficiently imposing force to avoid the probability of attack, and at the same time by this act to assert our right of entry in the river, which

had been practically disputed by the Sakalavas. It was also my intention to place a Proclamation in Swahili (an English copy of which is herewith inclosed) in a conspicuous place in the principal village on the river, or to give it into the hands of the Chief if I was able to meet with him. As we passed the village at the mouth of the river the white flags were seen flying, but not a human being was to be seen; but soon afterwards, as we proceeded up the river, we observed a canoe cross over from the island on which the villages are situated to the left bank. Several natives were now also observed on the left bank, but though we were fully prepared, I don't think any one suspected that they would dream of attacking so large a force. We had not, however, proceeded many yards beyond the place where Lieutenant Walters had been attacked, when the natives opened fire from behind the trees upon our boats. The boats were immediately stopped, and their bows brought to bear upon the bank of the river, and fire opened from two 12-pounder rockets and two 7-pounder guns, the latter loaded with case-shot, besides some 50 or 60 Sniders. A very short time sufficed to silence the fire from the bank, after which the boats anchored in line of bearing across the river, and the *Thetis'* steam-cutter and *Flying Fish's* gig, being unarmed boats, landed to remove two canoes which were hauled up on the bank, and to set fire to three miserable huts in which it was supposed that some of the Sakalavas might have taken shelter. After this the boats weighed and dropped slowly down with the ebb tide towards the villages, the steam only being used occasionally to keep the boats' bows in a proper direction for opening fire had the natives again thought proper to put in an appearance. This they declined doing, and the boats again anchored close to the principal village at the mouth of the river.

It remained for me to consider whether to burn down their villages or stand by my original intention of putting up the Proclamation—a point which I did not finally decide until I had landed and made a thorough examination of the principal village. The boats were now anchored in line, with their guns and rockets pointing on the beach, and the crews were landed. The marines, having formed in skirmishing order, advanced through the village, and the blue-jackets, forming the supports, followed. The village was completely deserted, a cat and her kittens being the only living things found in it. Nothing of the smallest value was left in any of the huts, which were merely bamboo structures interlaced with the leaves of the fan palm, of such a nature that they could, if destroyed to-day, be built again to-morrow. Believing, therefore, that I could not effectually make these people feel by the destruction of their village, which they had evidently looked upon as a foregone conclusion, and had prepared for by gutting it of all that was of any value,

I determined, after consulting with Commander Crohan and Lieutenant Walters, to leave their habitations intact, and try whether an act of clemency which they evidently did not in the least expect, might not have a more beneficial effect upon our future relations with them than could result from an act of impotent hostility; not that I expect any great result, nor am I at all inclined to think that such a serious matter as our boats having been fired on without any provocation by the natives of a country nominally at peace with us is adequately met by such measures as I have had it in my power to take, but seeing that these people, except at the moment of making their attack, are practically invulnerable, I have dealt with this matter as according to my judgment seemed best for the time being.

I have further desired Commander Crohan to keep a watch over the entrance of the river, by means of his cruising-boats, so far as circumstances will permit, not only on account of its notoriety as a place for the importation of slaves, but also of letting these people feel that their hostile demeanour towards our boats, which may be looked upon as a protest against our interference with the Slave Trade, only results in a stricter watch than before being kept upon the dhows frequenting their port.

I am informed that Arabs living at Cape St. Andrew give the Nosumbelava people a very bad name; they say that so little are they to be trusted that legal traders do not care to risk their property by entering their river, so that their imports are now almost confined to slaves.

I purpose sending a short report of this occurrence to the English Consul at Tamatave in order that the matter may be brought to the notice of the Hova authorities. Whether they will at once acknowledge that the Sakalavas are an independent people, governed by Chiefs of their own over whom they neither have, nor claim to have, any jurisdiction, may be doubted; but there is no doubt that this is practically the case, and that the only means of redress for such an unprovoked attack as has been made upon the boats of the *Thetis* lies with ourselves.

No casualties occurred during this reconnaissance, and William Large, who was wounded on the former occasion, is doing very well.

I have, &c.,

*Rear-Admiral Macdonald.*

THOS. LE H. WARD.

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(*Inclosure 2.*)—*Proclamation.*

(Translation.)

THE Queen of England loves peace, and we, the Queen's subjects, love peace. Our duty here is to promote peace by suppressing the Slave Trade, which is the offspring of war amongst the tribes of Africa.

We are friends with all the inhabitants of Madagascar, and shall continue so as long as we are not molested in our duty of suppressing the Slave Trade.

Your people without any provocation fired upon the English boat which visited your river in the performance of their duty.

Why did you act so inhospitably to your friends?

If we loved revenge, we might now burn your villages and cut down your cocoa-nut trees; but we prefer to show you that, though we are powerful, we are merciful, and we hope that our forbearance will promote a good understanding between us in the future.

We hope too that the return which our boats in self-defence made to your fire will teach you for the future to respect the friendly flag of England.

If your Chief will tell me that he is sorry for what has happened, and that he is grateful for our forbearance, and that he will prevent a recurrence of unfriendly behaviour towards the English boats, such an assurance will tend to heal the ill-feeling which fighting always leaves behind it.

Any message may be sent to the English boats through the Chief of Fillamassa.

October, 1875.

THOS. LE H. WARD, *Captain.*

No. 367.—*The Secretary to the Admiralty to Mr. Bourke.*—(Received March 11.)

SIR,

*Admiralty, March 10, 1876.*

I AM commanded by my Lords Commissioners of the Admiralty to transmit, for the information of the Secretary of State for Foreign Affairs, a copy of a letter of 31st December last, from Captain Ward, of Her Majesty's ship *Thetis*, containing a general report on the state of the Slave Trade in the neighbourhood of Kilwa, Zanzibar, Pemba, Madagascar, and the Mozambique; the illegal proceedings of a French vessel named the *Étienne et Laurence*, and the difficulties experienced in consequence of the carrying on of Slave Traffic under French colours.

I am, &c.,

*Hon. R. Bourke.*

ROBERT HALL.

(*Inclosure.*)—*Captain Le H. Ward to Rear-Admiral Macdonald.*

SIR,

*Thetis, Zanzibar, December 31, 1875.*

I HAVE the honour to report that the Slave Trade from Kilwa by land has been going on with undiminished activity during the past six months.

This port, which was formerly the chief one of export for the Zanzibar trade, is still the place to which the caravans from the interior converge.

Since the Treaty of 1873, instead of shipping the slaves off in dhows for transport north, they are now disposed of to agents sent from Pemba and Zanzibar, and elsewhere, who take them to their destination by the land route. This route, which for the most part passes along the coast, is varied by an occasional short coasting voyage, either to avoid the delta of a river or some hostile tribe, or some other difficulty which the road presents.

It has been ascertained, on good authority, that one of these breaks on the land route takes place at or near Kilwa itself, whence the slaves are carried in dhows sometimes as far north as Rao 'N'dege, and, at others, to a point just north of the delta of the Lufigi, after which they proceed by land as far as Bagamayo, Pangani, or Tangata, according as they are required for Pemba or Zanzibar, by far the largest number being required for the former island. According to information received at the English Consulate at Zanzibar, slaves arrive at Kilwa from the interior at the rate of 1,500 a month; and, though it seems almost incredible, yet it is said that probably more than two-thirds of these find their way to Zanzibar and Pemba.

There is also a regular trade carried on in dhows from Kilwa to Cholé Island, where the owners of the shambas in Mafia reside, and whence the slaves are marched across to Mafia, at low tide. This trade, owing to want of means, has been very little interfered with by the cruisers. One dhow only is known to have sailed from Kilwa for the north during the last six months. She probably passed outside of the islands, and, as no traces can be found of her at the ports in the Benadir, must have landed her slaves in safety somewhere on the Arabian coast. I also hear, on reliable authority, that during the last month of the year at least—for how long previously I cannot say—the transport of slaves by the land route north of Lamo has entirely ceased: so that it may now be stated, with a tolerable amount of certainty, that the market for the article which is brought from the interior to Kilwa is, with the small exceptions mentioned above, confined within the narrow limits of Zanzibar and Pemba; or, in other words, assuming one-third as the number absorbed by Mafia and Cholé Islands, by the very few and scattered shambas on the mainland extending along the route, and by the export trade to the north by sea, there remains about 1,000 a month to be accounted for, which it is believed find their way, notwithstanding the vigilance of the *London* and her boats, into Pemba and Zanzibar Islands.

It is important to remark that although the *London* has taken many prizes, the number of slaves liberated has been altogether insignificant; and we are told, and can easily believe it true from the nature of the dhows captured, that the dealers care very little



for the loss of their dhows so long as they succeed in landing the slaves. We are forced to acknowledge that the means hitherto employed have failed in making a very serious impression upon the trade, and this notwithstanding great zeal and activity displayed by the officers and crews of the *London's* boats, as evidenced by the large number of dhows which they have succeeded in capturing.

The operations of the slave-suppressing ships, consisting of the *Thetis* and *Flying Fish*, have, during the last six months, been chiefly confined to the Mozambique Channel and coast of Madagascar.

In August the *Thetis'* boats, accompanied by a Portuguese gun-boat, examined the Moma and Quisingo Rivers, but made no captures; and in October the boats of the two ships reconnoitred the Nossumbelava River, on the west coast of Madagascar, where the cruising-launch manned by the *Thetis* had been fired upon by the natives, but we saw no dhows, nor anything to account for the hostile attitude assumed by the natives, which I cannot doubt, however, was simply a protest against our interference with the Slave Trade.

One full of slaves, taken by the *Thetis* in the Mozambique Channel, which had actually been concealed in the Moma River at the time of its being searched by the *Thetis'* boats, is the only tangible fruit of the suppression of the Slave Trade between the Portuguese territory and Madagascar; but the establishment of an English Consulate at Mozambique in August last has probably been a greater blow to the Slave Trade in those waters than many captures could have been.

In November the *Flying Fish* visited St. Augustine Bay and the port of Tullear close by, in 23° 28' south latitude, on the west coast of Madagascar, where she fell in with the French barque *Étienne et Laurence*, and obtained from various independent sources conclusive proof of a Slave Trade being carried on by French subjects under French colours between that place and Bourbon, the *Étienne et Laurence* being probably the chief offender.

The article of commerce in this case appears to consist in Sakalavas (or natives of Madagascar), though it is also stated that natives of Africa are brought over in dhows to the west coast of Madagascar, whence they are shipped off in French schooners to Bourbon. The French flag also covers a considerable traffic in Mozambiques, who, after being landed in the immediate neighbourhood of Passandava Bay, are transferred as "engagés" to the French Colony of Nossi-Bé.

One dhow against which there was strong evidence of having been so employed was handed over by me to the French Governor at Nossi-Bé in last October, but I have not heard of her condemnation.

The *Étienne et Laurence*, although there is little doubt of her being engaged in the Slave Trade, was not detained, the most damning proof against her having come to light since the time that she was fallen in with.

Probably the greatest blow which has been inflicted on the Slave Trade since the signing of the Treaty in 1873, and one which, perhaps, may be looked upon as "the beginning of the end," though for the present having no visible effect, and scarcely heard of beyond the inner circle of the English Foreign Office, is the Proclamation by the Sultan of Zanzibar of the entire abolition of slavery in the Benadir (or provinces in his dominions north of Lamo). This important concession was obtained from the Sultan by the Political Agent, at the latter end of November, shortly after the news of the invasion of Zanzibar territory had reached Zanzibar, the immediate object of the Sultan being to outbid the Khedive in a similar Proclamation, which it was said had been issued by the Commander of the Egyptian forces in the districts occupied by them.

This Proclamation, although, perhaps, not for the moment causing the liberation of a single African, can never be receded from; henceforth there is a large province in the Sultan of Zanzibar's dominions in which slavery is illegal, and this may at least be looked upon as the thin end of the wedge of liberty, which must eventually be driven home.

Although I cannot say that any decided diminution of the Slave Trade has taken place during the last six months, yet it is evident that, as regards the Sultan of Zanzibar's dominions, it is being driven into a corner, and although that corner is by far the most flourishing and important of the whole of his territory (and it will, doubtless, never be given up there without a struggle), yet the very fact of its concentration gives far greater facility than formerly for its suppression, and with proper appliances, such as are suggested in the first paragraph of this letter, the same activity as now displayed by the officers and boats' crews of the *London* would make the transport of slaves in these channels a matter of great difficulty.

Regarding the Mozambique Slave Trade, I consider that it is mainly dependent for its continued existence upon the facilities afforded by exemption from search under the French flag, and the great extent of quasi-territorial waters claimed by the Portuguese Government, over which, as a matter of fact, it possesses no practical control whatever.

If the French authorities would abstain from indirectly countenancing the Slave Trade by allowing vessels which are in no way French property to fly the French flag, and if the Portuguese Government could be induced to permit (as it formerly did), for the purposes of Slave Trade suppression, the right to search vessels

within its territorial waters, the Mozambique and Madagascar Slave Trade would very soon be abolished. I have, &c.,

T. LE H. WARD, *Captain and Senior Officer,*  
*Rear-Admiral Macdonald.* *East Coast of Africa.*

No. 385.—*Rear-Admiral Macdonald to the Secretary to the Admiralty.*

Undaunted, at Sea, Lat. 4° 42' S., Long. 62° 59' E.,

(Extract.)

June 1, 1876.

I HAVE the honour to forward herewith, for the information of the Lords Commissioners of the Admiralty, a return of vessels captured during the year 1875 on the ground of being engaged in the East African Slave Trade by Her Majesty's ships on the station under my command, and beg to request you will also lay before their Lordships the following particulars concerning the East African Slave Trade and the means adopted for its suppression.

#### I.—*Vessels captured and Slaves liberated.*

The total number of vessels captured during 1875 has been 35. Upon three of these vessels, however, decrees of restitution were pronounced in the British Consular Court at Zanzibar, thus giving a gross condemned tonnage of 2,694·33 in 1875, against 1,248·571 in 1874. The number of slaves liberated, however, during the year 1875, namely, 426, compares badly with the number emancipated in 1874, namely 642; and when it is borne in mind that, from the nature of the dhows captured, the dealers, as a rule, care very little for the loss of their vessels provided they are successful in landing their slaves, the results of the year 1875 are not altogether encouraging.

It is only just, however, to remark that the whole of the captures made in 1875, with one exception, were made by the *Thetis* and *Flying Fish*, and the boats of the *London*.

The *Lynx*, which has also been employed in the suppression of the Slave Trade, did not arrive at Zanzibar until late in November, and her services can therefore hardly be taken into account for the year 1875.

In July 1875, Major Euan Smith, Her Britannic Majesty's Officiating Political Agent and Consul-General for Zanzibar, visited Chak-Chak, in Pemba, in Her Majesty's surveying vessel *Nassau*, and in two days succeeded in freeing 212 slaves belonging to British subjects.

#### II.—*Slave Trade in and from Mozambique.*

In January 1875, the *Thetis* sailed from Zanzibar for the Mozambique Channel, where she co-operated with the Portuguese gun-boats in clearing out the head-quarters of the slave-trading,

dhows in those parts at the mouth of the Umfusi River, in which combined operations a fleet of eight large dhows was destroyed. Towards the end of March the *Thetis*' boats acted in combination with a Portuguese gun-boat, and five days were employed in a thorough examination of the known haunts of slavers in the delta of the Umfusi River, and apparently a temporary check was put to the Traffic.

The importation of slaves into Madagascar from Mozambique appears, however, to be attended with other risks than those of capture by our cruisers and cruising-boats. The Sakalavas, although eager enough to obtain slaves, it is said, do not hesitate to take them by force when a good opportunity presents itself. It follows, therefore, that it is only at such Settlements as possess a tolerably strong Arab population that the Sakalavas can be trusted as *bond fide* traders. Of these Settlements Marambitzi and Mayanterano are the principal ports of debarkation. Flamassa and Nossumbelava, in the immediate vicinity of Cape St. Andrew, are considered dangerous in consequence of the predominance of Sakalavas in these Settlements.

Their Lordships will have learned by my submission of the 29th December, 1875, that in October of that year it became the duty of Captain Ward, senior officer of Her Majesty's ships on the East Coast of Africa, to inflict signal punishment upon the Sakalavas for having treacherously fired upon the boats of Her Majesty's ship *Thetis* in September 1875. The operations were successfully carried out by the boats of the *Thetis* and *Flying Fish*, great loss having been sustained by the Sakalavas, and only one man of our forces having been wounded. Their Lordships' approval of Captain Ward's proceedings on this occasion was conveyed to me in your letter of the 24th March, 1876.

Neither can the full slaver, as a rule, carry her cargo direct to any port where there is a Hova Governor, and, of course, she cannot land it openly at a French Settlement, and these difficulties, forcing the Arabs to take their slaves to well-known marts on the coast, render the work of suppression a matter of more certainty than it at first appears. The French agents from Nossi Bé purchase slaves in these localities under the denomination of "engagés," and the Hova agents buy them as "domestic slaves," the traffic in which prior to the Emancipation Proclamation of the Queen of Madagascar in October 1874 does not appear to have been illegal.

The apparently temporary check given to the Traffic by the unusual activity of the Portuguese appears, however, to have been somewhat shortlived, and I am informed that so soon as our cruisers are forced to confine their efforts at suppression to the extra-territorial waters (which is practically the case when not acting

in concert with the Portuguese authorities), the chances of the slavers making successful runs are so great that in the six months ending the 31st December, 1875, one full slaver which was taken by Her Majesty's ship *Thetis*' boats was the only tangible result of our efforts for the suppression of the Slave Trade between Portuguese territory and Madagascar. The number of vessels which escaped capture was probably very considerable.

The establishment of a British Consulate at Mozambique in August 1875 has, however, probably been a greater blow to the Slave Trade than many captures would have been.

The direct causes of the want of any diminution of the Mozambique Slave Trade are two, viz. :—

1st. The protection afforded by exemption from search under the French flag.

2nd. The great extent of quasi-territorial waters claimed by the Portuguese Government, over which, as a matter of fact, it possesses no practical control whatever.

If the French authorities would abstain from indirectly countenancing the Slave Trade by allowing vessels which are in no way French property to fly the French flag, and if the Portuguese Government could be induced to permit (as it formerly did), for the purpose of Slave Trade suppression, the right to search vessels within its territorial waters, the Mozambique and Madagascar Slave Trade would very soon cease to exist. These opinions, I may add, are confirmed by Captain Ward, of Her Majesty's ship *Thetis*, senior officer on the East Coast of Africa, and the respective commanding officers of Her Majesty's ships that are stationed, or have been stationed, in the Mozambique Channel for the suppression of the Slave Trade.

### III.—*Proclamation of the Queen of Madagascar.*

The unsatisfactory working of the Queen of Madagascar's Emancipation Decree of October 1874\* having been fully reported to their Lordships, I am now about to proceed to Tamatave, and in compliance with the Earl of Derby's wishes, expressed in the inclosure to your letter of the 23rd December, 1875, place myself in communication with Her Majesty's Consul at that port, and make a joint protest to the Hova Government against the violation of their Treaty engagements with England.

### IV.—*Slave Trade under French Colours.*

In November 1875 the *Flying Fish* visited St. Augustine's Bay and the port of Tullear, close by, in latitude 23° 23' south, on the west coast of Madagascar, where she fell in with the French barque

*Étienne et Laurence*, upon the master and part owner of which vessel grave suspicion rested of being actively engaged in the Slave Trade; and Commander Crohan obtained from various independent sources conclusive proof of a Slave Trade being carried on by French subjects under French colours between Tulleur and the Island of Bourbon.

Commander Crohan reports, under date of the 17th May last, that for the time being Slave Trade between Tulleur and Bourbon had ceased, and that the *Étienne et Laurence*, with her commander, were lost during a cyclone at Bourbon.

The article of commerce in this case appears to consist of natives of Madagascar, though it is stated that natives of Africa are brought over in dhows to the west coast of Madagascar, where they are shipped off in French schooners to Bourbon.

The French flag also covers a considerable traffic in Mozambiques, who, after being landed in the immediate neighbourhood of Passandava, are transferred as "engagées" to the French Colony of Nossi Bé.

It is with no small satisfaction, therefore, that I learn from their Lordships, by your letter of the 18th January, 1876, that "renewed and stringent orders had been issued by the French Government with a view to prevent the abuse of the French flag by the indiscriminate grant of French papers, and that Her Majesty's Government are considering what measures should be taken on the same subject with reference to Turkish colours."

#### V.—*Slave Trade in the Island of Johanna.*

In May 1875 Her Majesty's ship *Thetis* visited the Island of Johanna, and Mr. Sunley, late British Consul, informed Captain Ward that the masters of the dhows which bring bullocks from Madagascar made no secret of their being engaged in the Slave Trade. Their usual routine is, after receiving payment for their bullocks, to proceed to the mainland to invest their cash in slaves, and perhaps other cargo, which they convey to Marambitzi, and having received bullocks in exchange, again proceed to Johanna or Mayotta. This trade cannot fail of being extremely lucrative, and is exemplified in the following approximate figures:—

A slave on the Mozambique coast costs from 15 to 30 dollars, and can be sold at Marambitzi for 10 bullocks a-piece, each bullock being saleable at Mayotta for 11 or 12 dollars. At average rates, therefore, a cargo of 20 slaves bought on the Mozambique coast would ensure a possible profit of nearly 2,000 dollars, or allow a loss of 25 per cent. by the death of slaves or cattle, nearly 1,500 dollars would be cleared on the original sum expended, namely, 450 dollars, less, of course, the small expense of transportation. It should,

however, be borne in mind, that the legal trade in bullocks is also very lucrative, and not liable to the same risks; a bullock costing 5 or 6 dollars at Marambitzi sells at Mayotta for 11 or 12 dollars.

All the above information has been eliminated from the full and exhaustive reports which have from time to time been forwarded to me by Captain Ward, of Her Majesty's ship *Thetis*, senior officer on the East Coast of Africa, circumstances not having as yet permitted me to visit the portions of my station above-mentioned.

#### VI.—*Slave Trade in Zanzibar Channel.*

This trade appears confined to the importation of slaves into—

- (1.) The Islands of Zanzibar, Pemba, Monfia, and Cholé.
- (2.) To the Comoro Islands, which last are also reported to be supplied from the northern portion of the Portuguese dominions.

The Slave Trade from Kilwa is reported to have been going on with undiminished activity, and according to information received at the British Consulate at Zanzibar, no less than 1,500 slaves a month arrive at Kilwa from the interior, of which more than two-thirds, it is said, find their way to the Islands of Zanzibar and Pemba, most of them being conveyed by what is known as the land route.

The distance from the mainland to Zanzibar and Pemba is so short, and the departure of the dhows is so timed, that the only way they stand the slightest chance of capture is by a vessel or boat with steam-power.

In my letter of the 31st July, 1875, I expressed my opinion that the services of a gun-boat (as a tender to the *London*) would be invaluable in connection with blockading the Straits of Pemba and adjacent coasts, and also in my submission of the 2nd March last, inclosing a demand from Her Majesty's ship *London* for a steam-launch or pinnace for cruising purposes in the Pemba Channel, I expressed to their Lordships my entire concurrence with the opinion expressed by Captain Thomas B. M. Sullivan as to the desirability of employing steam-launches in the suppression of the Slave Trade in the Pemba Channel. The establishment of a small coal-depôt on Mesal Island (as reported in my submission of the 2nd May last), will, I believe, tend to increase the efficiency of the blockade of the Pemba coast.

#### VII.—*Proclamation of the Sultan of Zanzibar.*

The future alone can decide whether the Proclamation of the Sultan of Zanzibar, in November 1875, of the entire abolition of slavery in the Benadir (or provinces of his dominions north of Lamo), will not prove to be the greatest blow which has been

inflicted on the Slave Trade since the signing of the Treaty in June 1873.

The immediate object of the Sultan was to outbid the Khedive in a similar Proclamation, which, it was said, had been issued by the Commander of the Egyptian forces in the districts then occupied by them.

#### VIII.—*Destruction of Villages at Tangata.*

In consequence of Lieutenant Mathews, of Her Majesty's ship *London*, and some of his men having been fired on by the natives of Tangata in November 1875, His Highness the Sultan of Zanzibar directed the Governor of Tanga to proceed to Tangata for the purpose of inducing the Chiefs to return quietly with him to Zanzibar, and in the event of their refusing to do so, to tell them that their villages would be destroyed by the man-of-war boats.

The Governor of Tanga failing to induce the Chiefs to proceed to Zanzibar, Lieutenant Annesley, of Her Majesty's ship *London*, in command of the expedition, fired the two villages of Sitaki Chare and Wanga, as reported to their Lordships in my submission of the 6th January last.

#### IX.—*Slave Trade in the Persian Gulf and in the Gulf of Oman.*

Up to October 1875, the boats of Her Majesty's ship *Daphne* boarded nearly 300 dhows, but no captures were made. Captain Foot, then in command of the *Daphne*, reports that here also the French flag is used as a protection against our cruisers, and so well is the protective influence of the French flag known that the interpreter of the *Daphne* was publicly jeered at Sur on the subject.

The Turkish flag, Captain Foot adds, is used to a greater extent than even the French, and that slaves are conveyed by Turkish dhows to Bussorah and many places in the Persian and Oman Gulfs is an acknowledged fact, most of them being women passed off as wives. Against such a traffic, it is obvious, our cruisers are powerless to act.

#### X.—*Summary of the Causes of Slave Trade.*

The summing up of the direct influences which foster and conduce to the activity of the East African Slave Trade may be broadly stated under four heads, namely:—

- (a.) The abuse of the French and Turkish flags.
- (b.) The quasi-territorial waters claimed by Portugal in the Mozambique Channel.
- (c.) The want of *bona fides* on the part of the Egyptian Government in secretly tolerating slavery in the Khedive's dominions; and



(d.) The weakness of the Government of the Sultan of Zanzibar, which has hitherto prevented His Highness from putting a stop to the land traffic of slaves from the interior.

### XI.—*Disposal of Liberated Slaves.*

The question of the disposal of the manumitted slaves is one of great moment and of some difficulty. In May of last year I was informed that the Protector of Immigrants at Natal had requested that no more liberated Africans should be sent there, pending a revision of the regulations for their reception in that Colony. There therefore remains for consideration Mombasa, on the mainland of Zanzibar, or some suitable British Possession, where the labour of the freed slave could be utilized, and he himself could earn a livelihood.

It is obvious that to send him to Mombasa is open to grave objections, this portion of the Possessions of the Sultan of Zanzibar being notoriously weakly governed, and even if the manumitted slave should enjoy all the privileges of a free man the chances are greatly in favour of his offspring quitting the country in search of greater liberty, relapsing into heathenism, and being in their turn captured and sold for slaves.

By instituting inquiries and calling for accurate returns from the Mission Establishment at Zanzibar, I fear that this surmise would receive but too full a confirmation.

There then remains but a suitable British Possession to consider, and for a time the Seychelles Islands would no doubt supply an emporium where the labour of the freed slave would be acceptable, and would receive a just equivalent.

The commerce of Seychelles is on the increase, the climate is peculiarly adapted to the African constitution, and with a plentiful supply of labour the islands are capable of considerable commercial development. Coffee of a superior quality, sugar, vanilla, and cocoa are all indigenous to the country; whilst the produce and manufactures attendant upon the yield of cocoa-nut palm are in large demand, and furnish a considerable proportion of the revenue of the islands. This revenue depends entirely upon the amount of labour that can be procured.

Without going the length to which Captain George L. Sullivan, late in command of Her Majesty's ship *London*, expresses himself in the extract from a letter on this subject addressed to me on the 17th of November, 1875, copy of which was duly forwarded to their Lordships in my submission of the 29th December, 1875, I cannot but be of opinion that there are substantial grounds for much which Captain Sullivan asserts.

XII.—*Interpreters.*

The system of providing properly-qualified interpreters for Her Majesty's ships employed in the suppression of the Slave Trade on the East Coast of Africa, as detailed in your letter of the 3rd December, 1875, has not been in force sufficiently long for me to report upon at this moment; but the supply of qualified and trustworthy interpreters cannot fail of being conducive to the best interests of Slave Trade suppression.

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(*Inclosure.*)—*Return of Vessels captured on the ground of being engaged in the Slave Trade, by Her Majesty's Ships on the East India Station under the command of Rear-Admiral Arthur Cumming, C.B., Commander-in-chief, during the year 1875.*

R. J. MACDONALD, *Rear-Admiral and Commander-in-chief.*

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No. 388.—*Rear-Admiral Macdonald to the Secretary to the Admiralty.*

*Undaunted, at Sea, Lat. 10° 43' S., Long. 42° 10' E.*

(Extract.)

*September 7, 1876.*

I HAVE the honour to request you will be pleased to inform the Lords Commissioners of the Admiralty that I arrived at Mozambique in my flag-ship the *Undaunted* on the 27th August, and was immediately waited upon by the Portuguese authorities and Mr. Consul Elton.

From this gentleman I learned that his relations with the Government of Mozambique were on a most satisfactory footing, more especially with regard to matters pertaining to the suppression of the Slave Trade. This desirable state of affairs Her Majesty's Consul attributed mainly to a hearty co-operation on the part of his Excellency General Senhor Dom José Vasco Guedes e Menezes, Governor-General of Portuguese Possessions on the East Coast of Africa, who, with the knowledge that he is acting very much in opposition to the feelings and interests of most of his countrymen in the Mozambique, and is seriously injuring them in a financial point, has, nevertheless, been true to the orders of his Government, and carried out his instructions for furthering the suppression of the Slave Trade by every means in his power.

I visited his Excellency officially, and expressed my gratification at finding matters as they were, and I ventured to thank his Excellency very sincerely for having proved so able a supporter in our work of suppressing the Slave Trade. He assured me he felt that he was only doing his duty in the matter, and that the constant presence of Her Majesty's ships at Mozambique, and the information

he received from Mr. Consul Elton, in a great measure enabled him to carry out his own wishes and the views of his Government.

*Rear-Admiral Hall.*

R. J. MACDONALD.

No. 392.—*Rear-Admiral Macdonald to the Secretary to the Admiralty.*  
(Extract.)      Undaunted, at *Mozambique*, August 28, 1876.

WITH reference to your letter of the 23rd December, 1875, transmitting copy of a despatch from the Under-Secretary of State for Foreign Affairs, dated the 20th December, 1875, and its inclosure, relative to the Slave Trade carried on between the Mozambique and Zanzibar territories and the Island of Madagascar, and to the alleged participation of certain Hova officials in this illegal Traffic, and instructing me to make a representation to the Hova Government, conjointly with Mr. Consul Pakenham, on the subject, I have the honour to request you will inform the Lords Commissioners of the Admiralty that I anchored off Tamatave in my flag-ship on the 10th August, and immediately placed myself in communication with Mr. Pakenham.

I found that a strict cordon of quarantine had been recently established round the capital, and applying its restrictions equally to myself as to any other person wishing to visit Antananarivo (there being no points at issue rendering it necessary for me to have an interview with Her Majesty), I did not think it advisable to urge that this prohibition to enter the capital from Tamatave should in my case be removed, as I certainly should have done had there existed any necessity for my proceeding to Antananarivo, believing as I do, from the very few cases of small-pox known to exist at Tamatave or on the coast, the quarantine to have been instituted more for political than for sanitary purposes. Under these circumstances I acquainted the Prime Minister and Commander-in-chief of my arrival, through Her Britannic Majesty's Consul, and on the 20th instant received letters in reply expressive of good feeling and friendship, on the part of his Queen and Government, towards Her Britannic Majesty and her Government, and containing assurances of hospitable intentions towards myself in the event of circumstances permitting my visiting the capital on some future occasion.

Copies of these letters are forwarded herewith, also copy of a letter I addressed to his Excellency in reply, which letter I submitted in draft for the concurrence of Mr. Pakenham before transmitting; and with reference to paragraph 3 thereof I may point out to their Lordships that many matters of comparatively trifling importance had been long pending between Her Majesty's Consul and the Hova Government, a fact Mr. Pakenham begged me to notice in my letter to the Prime Minister.

The Governor and the Government officials at Tamatave received

me with cordiality, and extended their hospitality to my flag captain, my staff, and numerous officers of the *Undaunted*. In return, I entertained his Excellency and suite on board my flag-ship.

From what I learned, not only from Her Majesty's Consul, but also from the Consul of the French Republic, I have reason to believe that the appearance and stay in the waters of Madagascar of a vessel of such importance as my flag-ship will have the most beneficial effects on the bearing of the Hova Government.

Her Majesty's ship *Philomel* was at Tamatave on my arrival at that port, and I having on the 14th instant placed her services entirely at the disposal of Her Majesty's Consul, she was, on my leaving Madagascar, on the 21st August, about to proceed, the following day, to convey Mr. Pakenham on his official visit to the west coast ports of the Island.

Rear-Admiral Hall.

R. J. MACDONALD.

(Inclosure 1.)—*The Prime Minister of Madagascar to Rear-Admiral Macdonald.*

YOUR EXCELLENCY,

Antananarivo, August 16, 1876.

I AM in receipt of a letter from T. C. Pakenham, Esq., Her Britannic Majesty's Consul for Madagascar, at Tamatave, of the 12th instant, informing me of your Excellency's arrival at that port, and of your desire that he should convey to me your good wishes and friendship towards Her Majesty, myself, and our Government. In accordance therewith I have laid before Her Majesty your Excellency's friendly communication, which has given Her Majesty very great pleasure, as also myself and our Government.

I have also to inform your Excellency that the most sincere desire of Her Majesty, myself, and our Government, is to be in good friendship with Her Britannic Majesty and her Government, and thus conduce to the welfare of both nations, as to learning and commerce.

I visit you by this letter, and hope you are well. May God bless you.

Rear-Admiral Macdonald.

RAINILAIARIVONY.

(Inclosure 2.)—*The Prime Minister of Madagascar to Rear-Admiral Macdonald.*

(Translation.)

YOUR EXCELLENCY,

Antananarivo, August 16, 1876.

I HAVE received a letter from his Excellency the Governor of Tamatave, informing me of your Excellency's arrival there; also of your friendly inquiries after the health of Her Majesty and myself, as also of the welfare of the kingdom. Further, he informs me of your intention to come up to the capital on some future occasion.

I have had the honour to lay before Her Majesty your Excel-

lency's kind inquiries after her health, and have the pleasure of informing you that Her Majesty at present enjoys excellent health, and desires me to say that she hopes you also enjoy the same. I am happy to say that I also am enjoying good health at present, and hope you also are well.

Your Excellency's intention to come up to the capital on some future occasion fills me with great pleasure, and for the reason that, should your intention be fulfilled, I can assure you of a most hearty welcome, according to our good friendship.

I have also to assure your Excellency that your arrival here in the capital will give great pleasure to Her Majesty and the Government.

I have, &c.,

Rear-Admiral Macdonald.

BAINILAIARIVONY.

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(Inclosure 3.)—Rear-Admiral Macdonald to the Prime Minister of Madagascar.

(Extract.) Undaunted, *Tamatave, Madagascar, August 21, 1876.*

It is with pleasure that I have the honour to acknowledge the receipt of your Excellency's kind and cordial letter dated the 16th August, and to avail myself of the same opportunity of tendering to you my sincere and hearty thanks for your assurance of hospitable intentions towards me on any future occasion when circumstances may permit me the honour of visiting your capital.

I can assure your Excellency that Her Britannic Majesty's Government have the kindest feelings towards the Government of which you are the head.

I venture to point out to your Excellency that despatch in all matters pertaining to public business is now considered the first essential by strong Governments, and I would submit for your consideration that it would be well if many matters now pending between your Excellency and Her Britannic Majesty's Consul met with immediate attention, and were not permitted to continue unsettled, from no other cause, apparently, than a wish to procrastinate difficulties which must eventually be met in one way or another.

I trust you will be good enough to present my dutiful respects to the Queen, assuring Her Majesty I feel greatly honoured by the message she has authorized your Excellency to send to me, and with the wish that all good may attend you.

R. J. MACDONALD.

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No. 393.—Rear-Admiral Macdonald to the Secretary to the Admiralty.

SIR, Undaunted, *at Mozambique, August 29, 1876.*

WITH reference to my letter to you of the 29th December, 1875, on the subject of certain operations in the Nossumbelava

River, Madagascar, in latitude  $16^{\circ} 35'$  south and longitude  $44^{\circ} 31'$  east, by the boats of Her Majesty's ships *Thetis* and *Flying Fish* against armed Sakalavas who fired upon the boats of the first-named ship, I have the honour to inclose, to be laid before the Lords Commissioners of the Admiralty, a letter I have received from Captain Ward, of Her Majesty's ship *Thetis*, detailing the particulars of a second visit made by him to Nossumbelava, by which it appears that good results have attended the prompt and judicious measures adopted by him on that occasion.

I also beg to inclose, for their Lordships' information, copy of a letter forwarded to me for perusal by Her Majesty's Consul in Madagascar from the Chief Secretary of State of that island, expressing the pleasure of the Hova Government at the proceedings of Captain Ward on the first-mentioned occasion.

I have, &c.,

Rear-Admiral Hall.

R. J. MACDONALD.

(Inclosure 1.)—Captain Ward to Rear-Admiral Macdonald.

*Thetis at Sea, Lat.  $16^{\circ} 47'$  S., Long.  $40^{\circ} 51'$  E.,*

SIR,

July 27, 1876.

As the Nossumbelava River had not been visited by our boats since the occasion on which they were fired upon by the natives on the 7th October last, I thought it advisable to make another expedition to this river, with the object, in the first place, of making it apparent to these people, who are mere savages, that their hostile attitude did not result in freeing their river from the presence of the white men; and, secondly, of obtaining, if possible, an interview with the Chief who had formerly attacked us, and thereby placing our relations on a more satisfactory footing than the late interchange of rifle-shots had left them.

On the evening of the 21st July the *Flying Fish* and *Thetis* anchored in the bay, and the next morning moved in to an anchorage about two miles outside the bar of the river.

By 2 P.M., after some considerable delay caused by the boats getting aground, the flotilla, consisting of the cruising-launch and two cutters, and steam-cutter, under the senior lieutenant and two other lieutenants of *Thetis*, and the *Flying Fish's* cutter and steam-cutter, with Commander Crohan and navigating lieutenant and sub-lieutenant from that ship, and 100 blue-jackets and marines, had arrived inside the mouth of the river.

Commander Crohan and myself, accompanied by the *Flying Fish's* interpreter, who happened to belong to the place, landed immediately at the first village we came to with the hope of finding some of the natives who had not taken flight. In this we were not disappointed, although the bulk of the inhabitants, including all the

women and children, had disappeared. On our walking up towards the village, three or four men crept out, musket in hand, from behind the huts, and after a short conversation with the interpreter, confidence was so far established that one of them offered to take us to a village where an old Chief lived, though we were informed that the Chief whom we were in search of had gone up the river that morning. Having proceeded to the next village, we obtained an interview with the old Chief, who, after some palaver, offered to introduce us to the Chief we sought, that is to say, the one who had formerly fired upon the boats. We accordingly steamed up the river, accompanied by this man, and at sunset anchored opposite a small opening in the mangroves, where canoes were hauled up, indicating a landing-place. Here we landed, taking a small guard of blue-jackets with us, and after a walk of about a mile reached a place where the hum of voices and the sound of goats and poultry made us aware of the proximity of a village, though the surrounding trees hid it from view. Here the old Chief left us to announce our arrival, and after a long delay he returned with three soldiers—very fine specimens, one of them fully  $6\frac{1}{2}$  feet high—whom the Chief had sent as a deputation to receive us; but we were informed that the Chief himself could not be prevailed upon to meet us: he had fought with us, and could not understand what we could possibly want with him except to take him prisoner; so, to remove all cause of apprehension, I offered to meet him alone with the interpreter, and this, after a time, was agreed to.

It was dark when I entered the village square, where a number of nearly naked men, each armed with spear and musket, were assembled, and after a short delay the Chief made his appearance, very penitent, and making many protestations of friendship, assuring me that anything our boats required should always be supplied to them, and that he would never allow a shot to be fired at them again. In answer to the question why he had fired upon our boats, he replied that when he saw the white men come up the river his heart was afraid, but he added that the people who had fired upon the boat on the first occasion were not his men.

I told him that I was willing to accept this as an excuse for this time, and reminded him that after he had fired upon us we landed at his village and found it deserted, and might, if we wanted revenge, have burnt it; but we wished to show him and his people that we wanted to be friends, and so left it untouched: but he must understand that we could only remain friends as long as he and his people behaved in a friendly way to us, and any repetition of the sort of reception which we had met with on our former visit would cause the destruction of his villages. After renewed assurances of a desire on his part to remain on friendly terms, I took my leave, and

our party having re-embarked, the boats proceeded down to the mouth of the river, where we anchored for the night, and in the morning returned to the ships.

Taken in connection with the severe lesson which was taught by the rockets and rifles of the former expedition, I hope we have succeeded in proving to these people that while we possess the power to hurt, we are anxious to be on friendly terms, and that so long as they behave civilly to us they need fear nothing from us.

Such an understanding as this will probably be of more value to us in any future dealings we may have with them than the severest punishment we could have inflicted upon them.

The bar of the Nossumbelava River is shoal and somewhat difficult of access, but the river itself, when once inside, is broad and deep—our anchorage at the highest point we reached, probably ten miles from the mouth, having six fathoms close to the banks. About six miles from the entrance the river divides into two branches, only one of which we explored, and this had no features of interest, traversing a low clay country, perfectly flat with thick mangroves, the roots of which are flooded at low tide, growing all along the banks. One bend of the river near the mouth is the only exception to this general description; here the banks are higher, and the country apparently more open, and the trees, which are of a larger description than the mangrove, more scattered. It was behind these, on the occasion of our former visit, that our assailants found shelter.

The other branch, we were informed, was frequented by small coasting dhows, which went up there for bananas and rice. One of these we saw going up the river as we entered.

I have, &c.,

*Rear-Admiral Macdonald.*

T. LE H. WARD.

*No. 395.—Rear-Admiral Macdonald to the Secretary to the Admiralty.*

(Extract.)

Undaunted, at Zanzibar, September 20, 1876.

I HAVE the honour to request you will inform the Lords Commissioners of the Admiralty that, shortly after my arrival at this port on the 9th instant, I waited upon His Highness the Sultan of Zanzibar, accompanied by Dr. Kirk, Her Majesty's Political Agent and Consul-General, and attended by my staff and the captains of Her Majesty's ships then in port.

His Highness paid me the distinguished honour of lining the streets with his soldiery, and receiving me with a guard of honour composed of his Persian body-guard, and himself met and greeted me on foot at some considerable distance from his palace gates.

My reception by His Highness was most cordial and gratifying, and his expressions of good-will were repeated and emphatic.



On the day but one following, the Sultan honoured me by a visit to my flag-ship, when he was received with the honours and ceremony due to his position; and, subsequently, His Highness entertained me and the captains and many officers of Her Majesty's ships present at a banquet at his palace, which was illuminated for the occasion.

The Slave Trade in the Sultan's dominions has of a surety of late received a very serious blow, but whether the check be only temporary, and whether the slave-dealers in the interior may not still discover and work out new land routes and ports of shipment where His Highness' Arab Governors are not now established, are questions which are yet to be determined; but, under any circumstances, His Highness has, by his late Proclamations, made a noble sacrifice to uphold in their integrity the terms of his Treaties with Great Britain.

*Rear-Admiral Hall.*

R. J. MACDONALD.

*AGREEMENT between the British Government and the Sultan of Socotra. (Non-cession of Island except to the British Government. Assistance to Wrecked Vessels.)—January 23, 1876.*

(Translation.)

PRAISE be to God alone!

The object of writing this lawful and honourable bond is that it is hereby covenanted and agreed between Ali bin Abdulla bin Salem bin Saad bin Afreer, Sultan of Socotra, on the one part, and Brigadier-General John William Schneider, the Governor of Aden, on behalf of the British Government, on the other part, that the said Ali bin Abdulla bin Salem bin Saad bin Afreer, Sultan of Socotra, does pledge and bind himself, his heirs and successors, never to cede, to sell, to mortgage, or otherwise give for occupation, save to the British Government, the Island of Socotra or any of its dependencies—the neighbouring islands.

In consideration of the above covenant, the said Ali bin Abdulla bin Salem bin Saad bin Afreer, Sultan of Socotra, has received from Brigadier-General John William Schneider, the Governor of Aden, on behalf of himself, his heirs and successors, an immediate payment of 3,000 (three thousand) dollars, and he, his heirs and successors, shall further receive from the British Government a yearly subsidy of 360 (three hundred and sixty) dollars, it being understood that this stipend imposes on the aforesaid Ali bin Abdulla bin Salem bin Saad bin Afreer, Sultan of Socotra, his heirs and

successors, the obligation of rendering assistance to any vessel, whether belonging to the British or any other nation, that may be wrecked on the Island of Socotra, or on its dependencies—the neighbouring islands, and of protecting the crew, the passengers, and the cargo thereof, for which acts of friendship and goodwill towards the British Government a suitable reward will also be given to Ali bin Abdulla bin Salem bin Saad bin Afreer, Sultan of Socotra, and to his heirs and successors after him.

In token of the conclusion of this lawful and honourable bond, Ali bin Abdulla bin Salem bin Saad bin Afreer, Sultan of Socotra, and Brigadier-General John William Schneider, the Governor of Aden, the former for himself, his heirs and successors, and the latter on behalf of the British Government, do each, in the presence of witnesses, affix their signatures on this 26th day of Zilhujjeh (A.H.) 1292, corresponding with the 23rd day of January (A.D.) 1876.

(Signature in Vernacular.)

J. W. SCHNEIDER, *Brigadier-General, Political Resident, Governor of Aden.*

Witnessed by :

(Signature in Vernacular.)

LINDSAY BEINE, *Captain of Her Majesty's Ship Briton.*

SALEH JAFFER, *Interpreter to the Resident, on board Her Majesty's Ship Briton, off Kischeen.*

23rd January, 1876.

NORTHBROOK, *Viceroy and Governor-General of India.*

Ratified by His Excellency the Viceroy and Governor-General of India at Calcutta, on the 1st day of March, 1876.

T. H. THORNTON, *Officiating Secretary to the Government of India.*

## **LOI CONSTITUTIONNELLE de la République Française, sur les rapports des Pouvoirs Publics.—Versailles, le 16 Juillet, 1875.**

L'ASSEMBLÉE Nationale a adopté la Loi dont la teneur suit :

ART. 1. Le Sénat et la Chambre des Députés se réunissent chaque année le second Mardi de Janvier, à moins d'une convocation antérieure faite par le Président de la République.

Les deux Chambres doivent être réunies en session cinq mois au moins chaque année. La session de l'une commence et finit en même temps que celle de l'autre.

Le Dimanche qui suivra la rentrée, des prières publiques seront  
[1875-76. LXVII.] 2 K

adressées à Dieu dans les églises et dans les temples pour appeler son secours sur les travaux des Assemblées.

2. Le Président de la République prononce la clôture de la session. Il a le droit de convoquer extraordinairement les Chambres. Il devra les convoquer si la demande en est faite, dans l'intervalle des sessions, par la majorité absolue des membres composant chaque Chambre.

Le Président peut ajourner les Chambres. Toutefois, l'ajournement ne peut excéder le terme d'un mois ni avoir lieu plus de deux fois dans la même session.

3. Un mois au moins avant le terme légal des pouvoirs du Président de la République, les Chambres devront être réunies en Assemblée Nationale pour procéder à l'élection du nouveau Président.

À défaut de convocation, cette réunion aurait lieu de plein droit le quinzième jour avant l'expiration de ces pouvoirs.

En cas de décès ou de démission du Président de la République, les deux Chambres se réunissent immédiatement et de plein droit.

Dans le cas où, par application de l'Article 5 de la Loi du 25 Février, 1875,\* la Chambre des Députés se trouverait dissoute au moment où la Présidence de la République deviendrait vacante, les collègues électoraux seraient aussitôt convoqués, et le Sénat se réunirait de plein droit.

4. Toute assemblée de l'une des deux Chambres qui serait tenue hors du temps de la session commune est illicite et nulle de plein droit, sauf le cas prévu par l'Article précédent et celui où le Sénat est réuni comme cour de justice; et, dans ce dernier cas, il ne peut exercer que des fonctions judiciaires.

5. Les séances du Sénat et celles de la Chambre des Députés sont publiques.

Néanmoins, chaque Chambre peut se former en comité secret, sur la demande d'un certain nombre de ses membres, fixé par le règlement.

Elle décide ensuite, à la majorité absolue, si la séance doit être reprise en public sur le même sujet.

6. Le Président de la République communique avec les Chambres par des messages qui sont lus à la tribune par un Ministre.

Les Ministres ont leur entrée dans les deux Chambres et doivent être entendus quand ils le demandent. Ils peuvent se faire assister par des commissaires désignés, pour la discussion d'un Projet de Loi déterminé, par décret du Président de la République.

7. Le Président de la République promulgue les Lois dans le mois qui suit la transmission au Gouvernement de la Loi définitive.

ment adoptée. Il doit promulguer dans les trois jours les Lois dont la promulgation, par un vote exprès dans l'une et l'autre Chambre, aura été déclarée urgente.

Dans le délai fixé pour la promulgation, le Président de la République peut, par un message motivé, demander aux deux Chambres une nouvelle délibération qui ne peut être refusée.

8. Le Président de la République négocie et ratifie les Traités. Il en donne connaissance aux Chambres aussitôt que l'intérêt et la sûreté de l'État le permettent.

Les Traités de Paix, de Commerce, les Traités qui engagent les finances de l'État, ceux qui sont relatifs à l'état des personnes et au droit de propriété des Français à l'étranger, ne sont définitifs qu'après avoir été votés par les deux Chambres. Nulle cession, nul échange, nulle adjonction de territoire ne peut avoir lieu qu'en vertu d'une Loi.

9. Le Président de la République ne peut déclarer la guerre sans l'assentiment préalable des deux Chambres.

10. Chacune des Chambres est juge de l'éligibilité de ses membres et de la régularité de leur élection; elle peut seule recevoir leur démission.

11. Le bureau de chacune des deux Chambres est élu chaque année pour la durée de la session et pour toute session extraordinaire qui aurait lieu avant la session ordinaire de l'année suivante.

Lorsque les deux Chambres se réunissent en Assemblée Nationale, leur bureau se compose des Président, Vice-Présidents, et Secrétaires du Sénat.

12. Le Président de la République ne peut être mis en accusation que par la Chambre des Députés et ne peut être jugé que par le Sénat.

Les Ministres peuvent être mis en accusation par la Chambre des Députés pour crimes commis dans l'exercice de leurs fonctions. En ce cas ils sont jugés par le Sénat.

Le Sénat peut être constitué en Cour de justice par un décret du Président de la République, rendu en Conseil des Ministres, pour juger toute personne prévenue d'attentat commis contre la sûreté de l'État.

Si l'instruction est commencée par la justice ordinaire, le décret de convocation du Sénat peut être rendu jusqu'à l'arrêt de renvoi.

Une Loi déterminera le mode de procéder pour l'accusation, l'instruction et le jugement.

13. Aucun membre de l'une ou de l'autre Chambre ne peut être poursuivi ou recherché à l'occasion des opinions ou votes émis par lui dans l'exercice de ses fonctions.

14. Aucun membre de l'une ou de l'autre Chambre ne peut, pendant la durée de la session, être poursuivi ou arrêté en matière criminelle ou correctionnelle qu'avec l'autorisation de la Chambre dont il fait partie, sauf le cas de flagrant délit.

La détention ou la poursuite d'un membre de l'une ou de l'autre Chambre est suspendue pendant la session, et pour toute sa durée, si la Chambre le requiert.

Délibéré en séances publiques, à Versailles, les 22 Juin, 7 et 16 Juillet, 1875.

DUO D'AUDIFFRET-PASQUIER, *Président*.  
FÉLIX VOISIN, T. DUCHÂTEL, E. LAMY,  
LOUIS DE SÉGUR, VTE. BLIN DE  
BOURDON, *Secrétaires*.

Le Président de la République promulgue la présente Loi.\*

MAL. DE MACMAHON, *Duc de Magenta*.

L. BUFFET, *Vice-Président du Conseil, Ministre de l'Intérieur*.

*ACT agreed upon by the Finance Commission for the Settlement of the Tunisian Debts.—Tunis, March 23, 1870.*

LE Comité Exécutif, en vertu des attributions qu'il tient de l'Article 8 du Décret du 5 Juillet, 1869,† et pour mettre à exécution les bases d'arrangement dont le projet déjà approuvé par le Comité de Contrôle, signé par Son Altesse le Bey, est annexé aux présentes, propose au Comité de Contrôle l'adoption des dispositions suivantes, qui, après avoir été rendues exécutoires dans les conditions prescrites par l'Article 11 du Décret susmentionné, seront soumises à la ratification de Son Altesse le Bey, et acquerront ainsi force de loi. Dès que ces formalités auront été remplies, il sera remis aux membres du Comité de Contrôle trois expéditions authentiques de ces dispositions, pour être déposées dans les archives de chacun des Consulats-Généraux des trois Gouvernements d'Angleterre, de France, et d'Italie, sous le patronage desquels le présent arrangement a été conclu. L'exécution de cet arrangement sera également placée sous la sauvegarde des trois Gouvernements, jusqu'à extinction complète (intérêts et capitaux) de la dette qui en est l'objet.

La fusion des dettes de diverses catégories existant aujourd'hui est et demeure résolue. Elle sera accomplie dans les proportions qui seront arrêtées par la Commission Financière, en exécution des Articles 4, 5, 8, et 11 du Décret du 5 Juillet, soit par catégorie entière de titres, soit pour chaque titre isolément.

\* Promulguée au "Journal Officiel" du 18 Juillet, 1875.

† Vol. LXV. Page 742.

L'échange des titres de diverses natures existant aujourd'hui contre des obligations nouvelles d'un type unique s'opérera d'après les bases arrêtées déjà par la Commission Financière, et qui seront indiquées plus loin.

Les obligations nouvelles seront au porteur ; elles représenteront un capital nominal de 500 francs, et donneront droit à 25 francs d'intérêt annuel, payable par semestre (1<sup>er</sup> Janvier et 1<sup>er</sup> Juillet) ; elles seront imprimées en Arabe et en Français, afin d'être plus facilement négociables à l'étranger et à Tunis.

C'est au Conseil d'Administration, dont il sera parlé plus loin, qu'il appartiendra de prendre, sous le contrôle et la surveillance du Comité Exécutif, toutes les mesures nécessaires pour assurer le paiement des coupons, qui pourra être réclamé par les porteurs, dans l'une des quatre villes de Paris, Londres, Florence, et Tunis ; les frais qui résulteront de ces mesures seront à la charge de la caisse commune appartenant aux créanciers. À chaque obligation nouvelle seront joints 30 coupons semestriels. Les obligations qui ne seraient pas amorties à l'expiration des 15 années, correspondantes à ces 30 coupons, seront alors échangées contre de nouvelles obligations munies de leurs coupons, ou donneront seulement lieu à la délivrance d'une nouvelle série de coupons devant accompagner les anciens titres, suivant qu'il sera décidé à cette époque. Les obligations qui seront émises par suite de la présente opération jouiront jusqu'à leur rachat intégral de tous privilèges d'antériorité sur les dettes que le Gouvernement Tunisien pourrait contracter dans l'avenir dans les cas et suivant les formalités indiquées par l'Article 9 du Décret du 5 Juillet. L'échange des titres actuels de la Dette Tunisienne contre les obligations nouvelles s'opérera dans les proportions suivantes :

Chaque obligation des emprunts 1863 et 1865 donnera droit à une obligation nouvelle.

1<sup>re</sup> Conversion.—5 obligations de cette conversion seront représentées par 6 obligations nouvelles.

2<sup>o</sup> Conversion.—10 obligations actuelles donneront droit à 9 obligations nouvelles.

3<sup>o</sup> Conversion.—5 obligations de cette conversion donneront droit à 2 obligations nouvelles.

4<sup>o</sup> Conversion.—60 obligations anciennes seront représentées par 51 nouvelles.

#### *Pour la Dette Flottante.*

1<sup>re</sup> Catégorie.—500 francs de capital donneront droit à une obligation nouvelle.

2<sup>o</sup> Catégorie.—715 francs de capital donneront droit à une obligation nouvelle.

3<sup>e</sup> Catégorie.—1,250 francs de capital donneront droit à une obligation nouvelle.

4<sup>e</sup> Catégorie.—2,500 francs de capital donneront droit à une obligation nouvelle.

Le Gouvernement Tunisien s'engage à n'imposer sous quel prétexte, à quelle époque, et dans quelle circonstance que ce soit, aucune taxe, ni droit de timbre, sur ces obligations, pas plus que sur les coupons d'intérêts.

Le Conseil d'Administration dont la création est déjà résolue aura pour mission de diriger et de surveiller la réalisation des revenus concédés, d'en centraliser le produit, et d'en administrer l'emploi. Ces revenus seront la propriété commune de tous les créanciers de l'État. Le Conseil procédera à ces diverses opérations pour le compte des créanciers sous sa responsabilité personnelle et sous le contrôle et la surveillance du Comité Exécutif. Il se composera de cinq membres, qui pour la première fois seront tous nommés directement par la Commission Financière, à l'exception du membre Tunisien, qui sera désigné par le Comité Exécutif seul. Les autres dispositions relatives à l'organisation de ce Conseil feront, ainsi que les conditions principales de la gestion des intérêts qui lui seront confiés, l'objet d'un règlement spécial qui sera préparé par le Comité Exécutif et deviendra exécutoire suivant les formalités exigées par l'Article 11 du Décret.

Le présent arrangement et les stipulations qui en découlent sont consenties au profit de tous les créanciers actuels, moyennant la cession faite par Son Altesse le Bey, spontanément, librement et dans le plein exercice de ses pouvoirs souverains à tous ses créanciers, solidairement, indivisément, des revenus ci-après désignés dont le produit sera employé intégralement par les soins du Conseil d'Administration, sauf les restrictions énoncées plus loin, au service soit des intérêts, soit de l'amortissement, par la voie du rachat soit des frais d'administration de toute nature, et ce jusqu'à l'extinction complète de la dette qui sera liquidée et arrêtée par la Commission Financière. Ces revenus sont les suivants :

	Francs.
Mahsoulat de Sousse et Monastier. .. ..	400,000
Rahbas de Tunis .. ..	97,000
Douanes de Tunis (importation) .. ..	500,000
Droit de la Caroube à Tunis .. ..	100,000
Douane de Sfax .. ..	45,000
„ Gabes .. ..	8,000
„ Sousse .. ..	} 25,000
„ Monastier .. ..	
„ Mediah .. ..	
Ferme des tabacs .. ..	220,000
Droit sur les vins .. ..	55,000
Marché au bois et charbon.. ..	45,000

	Francs.
Fermage du plâtre .. .. .	60,000
„ poulpes et éponges .. .. .	55,000
„ sel .. .. .	110,000
Mahsoulat de la Goulette .. .. .	20,000
Kanoun des Oliviers, de Sousse, de Monastier, de Mediah, et de Sfax .. .. .	850,000
Kanoun de Ouaten .. .. .	150,000
Elkably .. .. .	
Mahsoulat et douanes de Gerbi .. .. .	90,000
Droit sur la pêche du corail .. .. .	8,000
Droits d'exportation .. .. .	2,640,000
Octroi .. .. .	350,000
Droit du timbre .. .. .	300,000
Ferme du poisson .. .. .	100,000
Mahsoulat de Biserte .. .. .	80,000
„ Sfax .. .. .	100,000
„ Ouaten Elkably .. .. .	85,000
„ Mediah .. .. .	12,000
Total .. .. .	<u>6,505,000</u>

Ces revenus sont concédés en pleine et entière jouissance aux créanciers dans le présent et pour l'avenir, jusqu'à extinction de la dette actuelle, et quelles que soient les modifications de taxes ou de tarifs qui puissent intervenir ; mais le mode de cette jouissance variera suivant la nature des revenus eux-mêmes, et surtout suivant qu'il s'agira de revenus dont la perception pourrait être gérée directement pour le compte des créanciers ou de revenus à percevoir dans l'intérieur du pays.

Les revenus des Mahsoulat, des douanes, des tabacs, seront perçus en régie, ou au moyen de leur mise en ferme, selon que l'un ou l'autre de ces deux modes sera jugé préférable dans l'intérêt des créanciers par le Conseil d'Administration. La perception en régie est l'administration directe par les membres du Conseil d'Administration. La mise en ferme aura lieu par adjudication avec concurrence et publicité ; les conditions particulières imposées aux fermiers seront l'objet d'un cahier des charges, qui sera publié plusieurs jours avant l'adjudication. Ces adjudications auront lieu dans un local dépendant du Ministère et en présence d'un membre du Comité Exécutif.

Dans le cas où le membre de ce Comité ne se présenterait pas au jour et à l'heure fixés pour la mise en adjudication, le Conseil aura le droit de passer outre, s'il le juge utile.

Le droit de timbre sera perçu directement par le Conseil d'Administration dans la même forme qu'il l'est aujourd'hui par les commissaires de la conversion d'Août.

Pour la perception du Kanoun des Oliviers du Sahel, de Ouaten Elkably et de Sfax, il sera délivré par le Gouvernement au Conseil d'Administration 50 *amras* ou délégations, correspondantes à 50



années sur les Kaïds, ordonnant à ces agents qui demeureront chargés du recouvrement, sous la direction et la surveillance du Comité Exécutif, de verser dans la caisse du Conseil, ou entre les mains de ses représentants dûment accrédités, toutes les sommes qu'ils percevront. Les reçus que les agents du Gouvernement auront à remettre aux contribuables devront pour être valables porter le visa d'un délégué du Conseil d'Administration.

Au moment où le présent arrangement ratifié par Son Altesse devra être mis à exécution, le Gouvernement délivrera au Conseil d'Administration une quantité suffisante de teskérets d'exportation à l'usage des différents ports d'embarquement de la Régence.

La gestion de ces divers revenus, quel qu'en soit le mode, ainsi que les opérations de caisse et de comptabilité qui en seront les conséquences, s'exécuteront sous la contrôle et la surveillance du Comité Exécutif.

Comme conséquence de l'engagement pris par Son Altesse le Bey dans l'Article 8 du Décret du 5 Juillet, le Gouvernement s'engage à faciliter l'exécution de toutes les opérations relatives à la perception des revenus concédés.

Les taxes ou tarifs actuellement en vigueur sont maintenus pour ceux des revenus ou impôts concédés qui sont soumis à ce mode d'assiette ; toutefois le Gouvernement se réserve la faculté de pouvoir, en consultant le Conseil d'Administration, apporter soit dans les tarifs de douanes, soit dans le mode d'assiette ou d'exploitation d'autres revenus (le tabac par exemple), les modifications qui seraient jugées de nature à en améliorer le produit tout en favorisant l'intérêt général du pays.

Le produit annuel des revenus concédés est évalué à 6,500,000 francs, sommes reconnues nécessaires pour le service de la dette liquidée au 20 Février dernier, conformément aux stipulations du présent arrangement. Le Gouvernement en garantit la réalisation, mais seulement jusqu'à concurrence de 5,000,000 pour la première année, de 5,500,000 pour la suivante, et de 6,000,000 pour la troisième. À partir de la quatrième année et pour toutes les suivantes, sa garantie portera sur la somme intégrale. En conséquence tout déficit sur l'une des sommes ci-dessus constatées, à l'expiration de l'année correspondante, sera comblé au moyen du prélèvement d'une somme égale sur les autres revenus de l'État que le Comité Exécutif est chargé de percevoir aux termes de l'Article 9 du Décret.

Si le produit des revenus concédés s'élevait à une somme supérieure de 6,500,000, sans dépasser toutefois 8,000,000 de francs, l'excédant serait employé à l'amortissement de la dette par la voie du rachat au cours du jour.

Tout excédant au-delà de 8,000,000 de francs serait partagé

également entre les créanciers de l'État: la part revenant aux premiers sera affectée à l'amortissement dans les mêmes conditions que ci-dessus; celle attribuée à l'État serait employée en travaux d'utilité publique exécutés par entreprise par adjudication passée avec concurrence et publicité, et d'après des devis établis par des hommes spéciaux.

Il sera fait au Gouvernement sur les fonds existant dans la Caisse du Conseil d'Administration pour cette première année une avance de 1,000,000 de francs au maximum, remboursables sans intérêts dans un délai de six mois au plus: dans l'avenir une avance de même somme pourra être faite dans les mêmes conditions que ci-dessus, mais seulement dans le cas de nécessité urgente constatée par le Comité Exécutif.

Le Gouvernement de Son Altesse le Bey prend enfin l'engagement vis-à-vis des trois Puissances amies, comme vis-à-vis de ses créanciers, de persévérer dans la voie tracée par le Décret du 5 Juillet, de maintenir ses dépenses dans les limites des crédits ouverts par le Budget qui sera préparé chaque année par le Comité Exécutif, d'employer ses ressources disponibles en travaux d'utilité générale.

#### *Remboursement des Coupons Arriérés.*

Il sera créé à cet effet pour chacun des titres actuels portant des coupons d'intérêt, de quelque catégorie qu'ils soient, un certificat distinct portant la somme qui sera allouée comme indemnité représentative des coupons échus et non payés. Ces certificats seront joints individuellement aux obligations nouvelles, au moment de leur échange contre les anciens titres: ils seront au porteur et seront remboursés sans intérêts par voie de tirage au sort, au moyen du produit résultant de l'augmentation des tarifs actuels de douane à l'entrée.

#### *Dispositions Transitoires.*

En raison des intérêts considérables qui se trouveraient gravement compromis par tout nouveau retard dans la mise à exécution du présent arrangement, le Comité Exécutif propose de décider que immédiatement après la ratification de cet arrangement par Son Altesse le Bey, les membres du Comité de Contrôle revêtus par les créanciers des pouvoirs les plus étendus, prendront provisoirement en main l'administration des revenus concédés et les géreront en se conformant aux clauses et conditions énoncés précédemment, jusqu'à ce que le Conseil d'Administration ait été constitué, et que le règlement relatif aux opérations de ce Conseil ait été rendu exécutoire.

En conséquence, les commissaires des conversions devront à cette même date, en réglant leurs comptes avec le Gouvernement,

remettre aux membres du Comité de Contrôle tous les titres relatifs aux garanties administrées par eux en vertu de leurs contrats respectifs; ces garanties devant être considérées à partir de la date ci-dessus, de même que celles appartenant aux obligatoires des emprunts de 1863 et de 1865, comme étant la propriété de la masse des créanciers. Mais il est bien entendu que si par une cause quelconque le présent arrangement ne recevait pas son plein et entier effet, les obligatoires et les conversionistes rentreraient, sous les conditions inscrites dans les anciens contrats, en possession de leurs garanties respectives, ainsi que des titres y afférants; ces dernières valeurs se trouvant ainsi déposées provisoirement entre les mains des membres du Comité de Contrôle, qui en seront responsables envers les détenteurs primitifs.

Tunis, le 23 Mars, 1870.

KHÉREDIN.  
VILLET.  
MOHAMED.  
M. SANTILLANA.  
GAETO. FEDRIANI.  
M. P. LEVY.  
G. GUTTIEREZ.  
ALBERT DUBOIS.  
BONFILS.

Pour copie certifiée conforme à l'original déposé dans les archives de la Commission Financière.

KHÉREDIN.  
VILLET.  
MOHAMMED.

À la fin du texte Arabe est écrit :—Vu ce qui est écrit dans cette page et les six pages précédentes et nous en approuvons le contenu. Écrit le Mercredi, 22 de mois de Zil Hadja, 1286.

(L.S.) MOHAMMED ESSADOK BEY.

MOUSTAPHA.

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*TRAITÉ d'Extradition entre les Pays-Bas et la Principauté de Monaco.—Signée à La Haye, le 10 Août, 1876.*

[Ratifications échangées à la Haye, le 10 Octobre, 1876.]

SA Majesté le Roi des Pays-Bas et Son Altesse Sérénissime le Prince de Monaco, désirant assurer la répression des crimes et délits

commis sur leurs territoires respectifs et dont les auteurs ou complices voudraient se soustraire à la rigueur des lois en se réfugiant d'un pays dans l'autre, ont résolu de conclure un Traité d'Extradition et ont nommé à cet effet pour leurs Plénipotentiaires, savoir :

Sa Majesté le Roi des Pays-Bas, M. Pierre Joseph Auguste Marie van der Does de Willebois, Commandeur, &c., son Ministre des Affaires Étrangères ; et

Son Altesse Sérénissime le Prince de Monaco, M. Joseph Augustin Antoine Mutsaers, son Consul-Général à la Haye ;

Lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivants :—

ART. I. Le Gouvernement des Pays-Bas et le Gouvernement de Monaco s'engagent à se livrer réciproquement, suivant les règles déterminées par les Articles suivants, à l'exception de leurs nationaux, les individus condamnés, accusés ou prévenus à raison d'un des crimes ou délits ci-après énumérés, commis hors du territoire de la partie à laquelle l'extradition est demandée :

1. Attentat contre la vie du Souverain ou des membres de sa famille.

2. Meurtre, assassinat, parricide, empoisonnement.

3. Menaces d'un attentat contre les personnes, punissables de peines criminelles.

4. Avortement.

5. Blessures ou coups volontaires ayant occasionné une maladie ou incapacité de travail personnel pendant plus de 20 jours, ou commis avec préméditation.

6. Viol ou tout autre attentat à la pudeur commis avec violence.

7. Attentat aux mœurs, en excitant, favorisant ou facilitant habituellement la débauche ou la corruption de la jeunesse de l'un ou de l'autre sexe au-dessous de l'âge de 21 ans.

8. Bigamie.

9. Enlèvement, recel, suppression, substitution, ou supposition d'un enfant.

10. Enlèvement de mineurs.

11. Contrefaçon, falsification, altération, ou rognement de monnaie, ou participation volontaire à l'émission de monnaie contrefaite, falsifiée, altérée, ou rognée.

12. Faux, commis à l'égard des sceaux de l'État, des billets de banque, des effets publics et des poinçons, timbres et marques, de papier monnaie, et de timbres poste.

13. Faux en écriture publique ou authentique, de commerce ou de banque, ou en écriture privée, à l'exception des faux commis dans les passeports, feuilles de route et certificats.

14. Faux témoignage, subornation de témoins, faux serment.

15. Corruption de fonctionnaires publics, concussion, soustraction ou détournement, commis par des percepteurs ou dépositaires publics.

16. Incendie volontaire.

17. Destruction ou renversement volontaire, par quelque moyen que ce soit, en tout ou en partie, d'édifices, de ponts, digues ou chaussées, ou autres constructions appartenant à autrui.

18. Pillage, dégât de denrées ou marchandises, effets, propriétés mobilières, commis en réunion ou bande et à force ouverte.

19. Perte, échouement, destruction ou dégât illégal et volontaire de vaisseaux ou autres navires (baraterie).

20. Émeute et rébellion des passagers à bord d'un vaisseau contre le capitaine et des gens de l'équipage contre leurs supérieurs.

21. Le fait volontaire d'avoir mis en péril un convoi sur un chemin de fer.

22. Vol.

23. Escroquerie.

24. Abus de blanc seign.

25. Détournement ou dissipation, au préjudice du propriétaire, possesseur ou détenteur, de biens ou valeurs qui n'ont été remis qu'à titre de dépôt ou pour un travail salarié (abus de confiance).

26. Banqueroute frauduleuse.

Sont comprises dans les qualifications précédentes la tentative et la complicité, lorsqu'elles sont punissables d'après la législation du pays auquel l'extradition est demandée.

II. L'extradition n'aura pas lieu :

1. Dans le cas d'un crime ou délit commis dans un pays tiers, lorsque la demande d'extradition sera faite par le Gouvernement de ce pays.

2. Lorsque la demande en sera motivée par le même crime ou délit pour lequel l'individu réclamé a été jugé dans le pays requis, et du chef duquel il y a été condamné, absous ou acquitté.

3. Si la prescription de l'action ou de la peine est acquise d'après les lois du pays auquel l'extradition est demandée, avant l'arrestation de l'individu réclamé, ou, si l'arrestation n'a pas encore eu lieu, avant qu'il ait été devant le tribunal pour être entendu.

III. L'extradition n'aura pas lieu aussi longtemps que l'individu réclamé est poursuivi pour le même crime ou délit dans le pays auquel l'extradition est demandée.

IV. Si l'individu réclamé est poursuivi ou subit une peine pour une autre infraction que celle qui a donné lieu à la demande d'extradition, son extradition ne peut être accordée qu'après la fin de la poursuite dans le pays auquel l'extradition est demandée, et, en cas de condamnation, qu'après qu'il ait subi sa peine ou qu'il ait été gracié.

V. Il est expressément stipulé que l'individu extradé ne pourra être ni poursuivi ni puni dans les pays auquel l'extradition a été accordée pour un crime ou un délit quelconque non prévu par le présent Traité et antérieur à son extradition, ni extradé à un État tiers sans le consentement de celui qui a accordé l'extradition, à moins qu'il n'ait eu la liberté de quitter de nouveau le pays susdit pendant un mois après avoir été jugé, et, en cas de condamnation, après avoir subi sa peine ou après avoir été gracié.

VI. Les dispositions du présent Traité ne sont point applicables aux personnes qui se sont rendues coupables de quelque crime ou délit politique. La personne qui a été extradée à raison de l'un des crimes ou délits communs mentionnés à l'Article I ne peut par conséquent, en aucun cas, être poursuivie et punie dans l'État auquel l'extradition a été accordée, à raison d'un crime ou délit politique commis par elle avant l'extradition ni à raison d'un fait connexe à un semblable crime ou délit politique.

VII. L'extradition sera demandée par la voie diplomatique; elle ne sera accordée que sur la production de l'original ou d'une expédition authentique, soit d'un jugement de condamnation, soit d'une ordonnance de mise en accusation ou de renvoi devant la justice répressive avec mandat d'arrêt, délivré dans les formes prescrites par la législation du pays qui fait la demande, et indiquant le crime ou le délit dont il s'agit, ainsi que la disposition pénale qui lui est applicable.

VIII. Les objets saisis en la possession de l'individu réclamé seront livrés à l'État réclamanant, si l'autorité compétente de l'État requis en a ordonné la remise.

IX. L'étranger dont l'extradition est demandée pour l'un des faits mentionnés à l'Article I pourra être arrêté provisoirement dans chacun des deux pays, d'après les formes et les règles prescrites par les législations respectives.

X. En attendant la demande d'extradition par la voie diplomatique, l'étranger dont l'extradition peut être demandée pour l'un des faits mentionnés à l'Article I pourra être arrêté provisoirement d'après les formes et les règles prescrites par la législation du pays auquel l'extradition est demandée.

L'arrestation provisoire pourra être demandée :

Dans les Pays-Bas et dans la Principauté de Monaco par tout officier de justice ou de police judiciaire.

XI. L'étranger arrêté provisoirement, aux termes de l'Article précédent, sera, à moins que son arrestation ne doive être maintenue pour un autre motif, mis en liberté si dans le délai de 20 jours après la date du mandat d'arrestation provisoire la demande d'extradition par voie diplomatique, munie des documents requis, n'a pas été faite.

XII. Lorsque, dans la poursuite d'une affaire pénale, un des Gouvernements jugera nécessaire l'audition de témoins se trouvant dans l'autre État, une commission rogatoire sera envoyée à cet effet par la voie diplomatique, et il y sera donné suite, en observant les lois du pays, où les témoins seront invités à comparaître.

En cas d'urgence toutefois, une commission rogatoire pourra être directement adressée par l'autorité judiciaire dans l'un des États à l'autorité judiciaire dans l'autre État.

Toute commission rogatoire, ayant pour but de demander une audition de témoins, devra être accompagnée d'une traduction Française.

XIII. Si dans une cause pénale la comparution personnelle d'un témoin dans l'autre pays est nécessaire ou désirée, son Gouvernement l'engagera à se rendre à l'invitation qui lui sera faite, et en cas de consentement il lui sera accordé des frais de voyage et de séjour, d'après les tarifs et règlements en vigueur dans le pays où l'audition devra avoir lieu, sauf le cas où le Gouvernement requérant estimera devoir allouer au témoin une plus forte indemnité.

Aucun témoin, quelle que soit sa nationalité, qui, cité dans l'un des deux pays, comparaitra volontairement devant les juges de l'autre pays, ne pourra y être poursuivi ou détenu pour des faits ou condamnations criminelles antérieures, ni sous prétexte de complicité dans les faits, objets du procès où il figurera comme témoin.

XIV. Lorsque dans une cause pénale la confrontation de criminels détenus dans l'autre État, ou bien la communication de pièces de conviction ou de documents qui se trouveraient entre les mains des autorités de l'autre pays, sera jugée utile ou nécessaire, la demande en sera faite par la voie diplomatique et l'on y donnera suite, à moins de considérations spéciales qui s'y opposent, et sous l'obligation de renvoyer les criminels et les pièces.

XV. Le transit, à travers le territoire de l'une des Parties Contractantes, d'un individu livré par une tierce Puissance à l'autre Partie et n'appartenant pas au pays de transit, sera accordé sur la simple production, en original ou en expédition authentique, de l'un des actes de procédure mentionnés à l'Article VII, pourvu que le fait servant de base à l'extradition soit compris dans le présent Traité et ne rentre pas dans les prévisions des Articles II et VI, et que le transport ait lieu, quant à l'escorte, avec le concours de fonctionnaires du pays qui a autorisé le transit sur son territoire.

XVI. Les frais d'arrestation, d'entretien et de transport de l'individu dont extradition aura été accordée, ainsi que de ceux résultant de l'exécution des commissions rogatoires, du transport et du renvoi des criminels à confronter et de l'envoi et de la restitution des pièces de conviction ou des documents, resteront à la charge de l'État réclamant.

Les frais de transport ou autres sur le territoire des États intermédiaires seront également à la charge de l'État réclamanant.

Au cas où le transport par mer serait jugé préférable, l'individu à extraditer sera conduit au port que désignera l'Agent Diplomatique ou Consulaire du Gouvernement réclamanant, aux frais duquel il sera embarqué.

XVII. Le présent Traité ne sera exécutoire qu'à dater du vingtième jour après sa promulgation dans les formes prescrites par les lois des deux pays, et il continuera à sortir ses effets jusqu'à six mois après déclaration contraire de la part de l'un des deux Gouvernements.

Il sera ratifié, et les ratifications en seront échangées dans le délai de deux mois, ou plus tôt si faire se peut.

En foi de quoi les Plénipotentiaires respectifs ont signé le présent Traité, et y ont apposé le cachet de leurs armes.

Fait en double expédition à la Haye, le 10 Août, 1876.

(L.S.) VAN DER DOES DE WILLEBOIS.

(L.S.) J. MUTSAERS.

*PROTOCOL OF CONFERENCE between the Commissioners of Great Britain, Belgium, France, and the Netherlands, relative to the Sugar Duties.—Paris, August 9, 1876.*

*Protocole de Clôture.*

LES Commissaires soussignés, délégués par les Gouvernements de la Grande Bretagne, de la Belgique, de la France, et des Pays-Bas, se sont réunis à Paris, le 17 Juillet, 1876, sous la présidence de M. Teisserenc de Bort, Ministre de l'Agriculture et du Commerce, afin d'étudier les bases d'une nouvelle Convention sur le régime des sucres.

2. La première question examinée dans la Conférence a été celle de savoir si l'on pouvait, comme le demandaient les Délégués de l'Angleterre et de la Belgique, faire revivre la Convention du 11 Août, 1875,\* en réservant à chacun des États cosignataires la faculté de supprimer l'impôt des sucres.

3. À cet égard les Délégués de la Hollande ont déclaré que l'exercice des raffineries, à moins d'être tempéré par des dispositions spéciales, soulèverait probablement dans leur pays l'opposition qu'il avait déjà rencontrée en 1875. Ils ont exposé, en outre, que les compensations offertes par la Belgique n'avaient point paru suffi-



santes, que tel était l'un des motifs du vote de la Seconde Chambre des États-Généraux, et qu'il faudrait s'attendre à un nouvel échec si la Belgique n'accordait pas des garanties complémentaires contre les bénéfices de rendement que ses fabricants de sucre sont supposés obtenir par la législation actuelle. Les Délégués Français, de leur côté, tout en se montrant disposés à accepter l'obligation de l'exercice si l'on ne s'entendait pas sur des bases plus conformes à la liberté de l'industrie, n'ont pu admettre que cette obligation fût imposée, sans compensation d'aucune sorte, aux seules raffineries de leurs nationaux.

4. La suppression même de l'impôt ne leur a point paru un juste équivalent des charges de l'exercice. Ils ont, d'ailleurs, appuyé les observations de la Hollande relativement à la législation Belge, et ils ont demandé quelles étaient les mesures que l'Angleterre pourrait être disposée à prendre au sujet des sucres bruts primés à l'exportation par les États qui resteraient en dehors de la Confédération sucrière, principalement par l'Autriche-Hongrie. Les Délégués de la Belgique ont alors expliqué que leur Gouvernement avait fait, dans l'Acte du 11 Août, 1875, de trop larges concessions pour pouvoir y rien ajouter. Dans leur pensée ces concessions présentaient, pour la suppression des bénéfices de rendement, des sûretés au moins aussi complètes que l'exercice le plus rigoureux. Les Délégués Anglais, à leur tour, n'ont pas contesté qu'il ne pût sembler juste de tenir compte de tous les moyens qui ont pour but la suppression des primes; mais, à leur avis, l'examen des dispositions restrictives qu'il pourrait y avoir lieu de prendre à l'importation des sucres primés provenant des pays avec lesquels on n'aurait pas traité n'aurait pas dû entrer dans le programme de la Conférence. Ils ont ajouté que des dispositions de cette nature n'auraient aucune chance d'être acceptées par le Gouvernement de la Reine.

5. Des divergences aussi tranchées ne permettant pas de faire revivre la Convention de 1875, on a recherché s'il serait possible de se rapprocher sur le terrain de la saccharimétrie. L'application de ce système en France a donné lieu à un travail très-complet adressé au Ministre de l'Agriculture et du Commerce par des chimistes dont la haute compétence ne saurait être mise en doute. Ce travail a été distribué à tous les membres de la Conférence, qui en ont apprécié le mérite et l'impartialité; néanmoins, les Commissaires Anglais ont élevé contre le système de la saccharimétrie des objections fondées à la fois sur les difficultés inhérentes au prélèvement des échantillons et sur l'incertitude des coefficients applicables au glucose et aux sels.

6. Pour s'éclairer à ce sujet la Conférence a fait appeler dans son sein les auteurs du travail qui lui avait été soumis; MM. Aimé Girard et de Luynes, Professeurs au Conservatoire des Arts et

Métiers ; M. Riche, Professeur à l'École de Pharmacie et Directeur du Comité des Expertises au Ministère du Commerce ; M. Bardy, Directeur du Laboratoire Central des Contributions Indirectes. À leur avis, le prélèvement des échantillons, indispensable dans tous les systèmes d'impôt, ne présente aucune difficulté particulière à la saccharimétrie, parce que les sels qu'on parviendrait à ajouter au sucre, en déjouant la surveillance du service, n'échapperaient pas aux investigations des laboratoires. Ils ont spontanément admis qu'on n'était pas encore bien fixé sur le chiffre des coefficients nécessaires pour le glucose et pour les cendres. Mais, dans leur pensée, les écarts à prévoir, sensibles peut-être pour la science, qui ne se contente pas d'à-peu-près, étaient sans importance réelle pour la perception d'un impôt. Malgré ces éclaircissements, les Délégués Anglais ont maintenu leurs objections. Les Délégués Hollandais ont également manifesté des appréhensions sur les résultats des pratiques saccharimétriques ; et les Délégués Belges se sont bornés à exprimer quelques doutes sur la quotité du coefficient afférent au glucose. La Conférence s'est ainsi trouvée conduite à juger que les esprits n'étaient pas préparés à un accord commun sur cette base.

7. En ce moment les Commissaires des Pays-Bas ont proposé un projet transactionnel. D'après ce projet, chacune des Parties Contractantes se serait obligée à supprimer l'impôt des sucres ou à le percevoir à la consommation suivant un mode combiné de manière à écarter les objections que l'exercice, proprement dit, avait suscitées dans les Pays-Bas. Une exception était faite pour la Belgique. Les Délégués Néerlandais, reconnaissant que l'impôt à la consommation pourrait y présenter des difficultés sérieuses, ont cru devoir se borner à demander à cet État l'engagement d'abolir toute protection à l'intérieur et toute bénéfice sur le drawback. Mais, pour les Délégués Français, la proposition de la Hollande n'offrait pas un terrain sur lequel l'accord pût s'établir. En effet, d'une part, la situation financière de la France ne permet pas de prévoir la possibilité de supprimer l'impôt sur les sucres ; d'autre part, si le système de l'impôt à la consommation, tel qu'il a été présenté en dernier lieu par les Délégués Hollandais, laissait une espérance d'accord, en se rapprochant de l'exercice, il n'en présentait pas toutes les garanties ; d'un autre côté, les Délégués Français entendaient réserver à leur Gouvernement toute sa liberté d'action pour le cas où les Pays-Bas aboliraient l'impôt, et ils ne pouvaient se dissimuler que la situation présentait cette difficulté—que la Grande Bretagne ne semblait pas disposée à prendre les mesures nécessaires pour repousser de ses marchés les sucres bruts qui arrivent de pays où il existe de primes ; mais les Délégués Anglais estimaient que le défaut d'entente ne saurait se produire sur le terrain des surtaxes, attendu que, dans leur pensée, cette question aurait dû, comme ils

l'avaient déjà dit, rester en dehors des délibérations de la Conférence. Enfin, les Délégués Belges ne pouvaient, de leur côté, accepter que conditionnellement la combinaison de leurs collègues des Pays-Bas.

8. Écartant pour la Belgique l'exercice des raffineries et même celui des fabriques, ils auraient admis pour la Hollande, tout en ne dissimulant pas qu'il leur paraissait incomplet, le système qu'on proposait en son nom, si la France l'avait trouvé suffisamment efficace. Mais ils repoussaient péremptoirement pour leur pays l'engagement qu'on voulait lui imposer, s'il devait l'obliger à fortifier par des dispositions complémentaires les garanties auxquelles il avait souscrit dans la Convention de 1875.

9. Dans l'état, les Délégués Belges ont présenté, à leur tour, un projet d'arrangement basé sur le double élément de la saccharimétrie et des types. En consacrant pour chacun des pays co-signataires la faculté de supprimer l'impôt des sucres, ce projet stipulait qu'on devait, là où les droits seraient maintenus, classer les sucres au moyen de la saccharimétrie, si les droits étaient de plus de 22 francs 50 cents par quintal métrique de sucre à 88 pour cent de rendement, ou d'après cinq types de nuances pris dans la série Hollandaise, aux rendements de 72, 82, 88, 94, et 98 pour cent, si la quotité des droits était fixée à 22 francs 50 cents ou au-dessous. La proposition Belge, complétée par différentes dispositions empruntées en partie aux Conventions de 1864 et 1875, a donné lieu à diverses objections. Les Délégués Anglais n'ont pas cru pouvoir l'appuyer, parceque, dans leur pensée, elle reposait sur un système de saccharimétrie qu'ils avaient déjà écarté. Pour les Délégués Hollandais, la combinaison Belge avait l'inconvénient radical de laisser encore la porte ouverte à des bénéfices de rendement plus ou moins élevés. Enfin, les Délégués Français ne voyaient pas, dans les obligations acceptées par la Belgique, l'équivalent de ce qu'aurait concédé la France, et ils n'y trouvaient aucune précaution contre la concurrence inégale des sucres bruts primés dont il a déjà été parlé.

10. Parvenus à ce point de leurs travaux les Commissaires sous-signés ont unanimement résolu de se séparer pour rendre compte de la situation à leurs Gouvernements respectifs, et pour les prier d'examiner s'il ne conviendrait pas, comme l'ont demandé dès le principe les Délégués de la Hollande, d'appeler à des Conférences ultérieures divers États restés étrangers à la Convention de 1864,\* notamment l'Allemagne, l'Autriche-Hongrie, l'Italie, pour tâcher d'écarter ainsi certaines inégalités qui ont pesé sur les dernières délibérations, et de préparer des concessions réciproques que rendrait peut-être plus faciles la perspective d'un marché international fort agrandi.

11. Il a été entendu qu'en tout cas, et sauf approbation ultérieure.

rieure de leurs Gouvernements respectifs, les Délégués des quatre Puissances représentées dans la présente Conférence se réuniraient de nouveau à Paris, au plus tard le 5 Décembre prochain.

Fait à Paris, le 9 Août, 1876.

F. G. WALPOLE.  
E. P. LE FEUVRE.  
GUILLAUME.  
DUJARDIN.  
TEISSERENC DE BORT.  
OZENNE.  
AME.  
RAHUSEN.  
TOE WATER.

Pour copie conforme :

RENÉ LAVOILLÉ, *Secrétaire.*

*DISCOURS du Roi d'Italie, à l'Ouverture du Parlement.—  
Rome, le 6 Mars, 1876.*

(Traduction.)

L'ANNÉE qui s'est écoulée depuis que je me suis trouvé au milieu de vous ne nous laisse que des sentiments de satisfaction et d'espoir pour l'avenir. Les conditions intérieures du pays ont été bonnes, nos rapports avec l'extérieur ont été entièrement amicaux.

L'accomplissement à un accord international avec un Souverain ami a inspiré à mon Gouvernement l'idée de racheter les chemins de fer. L'Italie aborde avec courage un problème difficile dont s'occupent depuis quelque temps les Gouvernements et les Parlements des États les plus civilisés. On vous soumettra un Traité avec l'Autriche-Hongrie et un Projet de Loi pour l'achat et l'exploitation des chemins de fer du Royaume, ainsi que pour les opérations financières destinées à leur achèvement.

Bien que cette réforme importante amène avec elle quelque charge pour le Trésor, j'ai cependant la confiance que vous pourrez, dans cette session, établir pour la première fois la balance entre les recettes et les dépenses de l'année, sans augmenter les impôts.

Les bonnes dispositions qui président à l'œuvre délicate et patiente de la révision des tarifs, d'accord avec la France, la Suisse, et l'Autriche-Hongrie, me donnent l'espoir que des Traités de Commerce nouveaux pourront vous être soumis pendant la session. Je désire que l'on parvienne à corriger les défauts démontrés par l'expérience, à accroître les revenus du Trésor et à ouvrir des débouchés plus vastes et plus assurés aux produits Italiens, tout en maintenant intacts les principes du libre échange. Quelques lois importantes

sur l'organisation judiciaire, sur l'instruction primaire, sur la réforme des impôts et de l'administration, n'ont pas pu être votées dans la dernière session. J'ai donné l'ordre à mon Gouvernement de vous soumettre de nouveau ces lois et je les recommande à votre attention.

J'ai été fier et heureux de constater moi-même dans les camps d'instruction les progrès de notre armée. Nous devons aussi consacrer tous nos soins à la marine, qui a les mêmes droits à l'affection du pays et à la sollicitude du Parlement.

Mon vœu le plus cher est d'inspirer à l'Italie cette confiance légitime en elle-même qui est la garantie la plus sûre de son indépendance et du respect de ses droits.

Messieurs les Sénateurs, Messieurs les Députés,—L'Italie a eu une confirmation de ses bons rapports internationaux dans les visites de Sa Majesté l'Empereur d'Autriche-Hongrie et de Sa Majesté l'Empereur d'Allemagne. J'ai été très-heureux de les accueillir. Venise et Milan se sont montrées les dignes interprètes des sentiments de la nation.

Ces démonstrations de cordiale amitié entre les Souverains sont le gage d'une sympathie durable entre les peuples.

L'insurrection de l'Herzégovine et de la Bosnie a donné lieu à des négociations entre les Puissances garantes de l'intégrité de l'Empire Ottoman. J'ai jugé opportun d'y prendre part, pour rétablir, d'accord avec ces Puissances, la tranquillité en Orient et assurer le sort des populations Chrétiennes.

Sa Majesté le Sultan a accueilli de bon gré les propositions qui lui ont été faites dans ce but. J'espère que par la prompte et fidèle exécution des réformes annoncées, on parviendra à pacifier ces contrées et à leur préparer un avenir meilleur.

L'Italie remplira ses devoirs de Grande Puissance en contribuant avec les Gouvernements amis au maintien de la paix. Tout en s'appliquant à développer ses institutions et sa prospérité intérieure, elle saura exercer son influence de manière à s'assurer le respect et la confiance des nations civilisées.

*DISCOURS du Roi d'Italie, à l'Ouverture du Parlement.—  
Rome, le 20 Novembre, 1876.*

(Traduction.)

MESSIEURS LES SÉNATEURS, MESSIEURS LES DÉPUTÉS,

ATTRISTÉ par un deuil de famille, auquel je vois, avec reconnaissance, mon peuple prendre une part si vive, je viens aujourd'hui puiser dans l'accomplissement d'un devoir la meilleure des consolations.

J'ai, en effet, en inaugurant vos travaux par cette cérémonie solennelle, toujours senti grandir dans mon âme la foi dans les

destinées de l'Italie et dans l'avenir des libres institutions que nous avons jurées.

Les nouveaux Représentants de la nation ont pu étudier de près les besoins et les vœux des populations ; ils en seront les interprètes fidèles. Les voyant autour de moi, je refais avec ma pensée l'histoire de notre reconstitution nationale, et je rends hommage à l'œuvre assidue de législatures précédentes, par lesquelles l'unité Italienne s'est consolidée.

En même temps je dois vous rappeler que, depuis 20 ans, je n'ai pas cessé, toutes les fois que j'adressais la parole aux élus de la nation, de les engager à rendre simple, facile et économique l'action tutélaire de l'État.

Pour atteindre ce résultat, les Ministres que, réglant mon choix sur les votes du Parlement, j'ai appelés avec une confiance pleine et entière à la direction de l'État, auront à vous présenter plusieurs projets de loi que je recommande à votre zèle patriotique.

Les administrations précédentes se sont appliquées, ces dernières années, à atteindre l'équilibre entre les recettes et les dépenses de l'État. Cet équilibre n'est plus un but éloigné ; il est un bienfait prochain ; nous commencerons désormais à jouir de ses effets. Nous pouvons même espérer de nous appliquer bientôt à supprimer graduellement les perturbations créées par le cours forcé. C'est à la législature actuelle de hâter cette œuvre d'affranchissement. Mon Gouvernement aura soin de préparer, à cet effet, les mesures opportunes.

J'ai souhaité, en attendant, qu'on entreprît avant tout l'examen des propositions visant à mitiger les rigueurs de la perception et à distribuer les charges actuelles d'une manière équitable.

Nous ne pouvons pas réduire la dotation déjà si modique de l'armée et de la marine. Nous ne pouvons pas, non plus, abandonner les travaux destinés à étendre d'une extrémité à l'autre de la péninsule les bienfaits résultant de la facilité des voies de communication, et à communiquer à toutes les parties du pays la force qui lui est nécessaire pour achever sa transformation économique.

On a pu craindre que des événements menaçants ne vinssent nous détourner de ces desseins utiles. Mais les relations entièrement amicales que nous avons constamment entretenues avec toutes les Puissances nous mettent à même d'avoir confiance dans le succès des conseils de modération auxquels mon Gouvernement a prêté son concours efficace.

Fidèle à tous ses engagements, l'Italie n'oubliera jamais que, prenant sa place parmi les Grandes Puissances, elle a accepté une mission de progrès et de civilisation.

Espérant dans les bienfaits de la paix, vous emploierez, j'en ai la certitude, ce temps propice pour consolider nos institutions.

Il importe de décharger le Gouvernement de toute immixtion excessive, et de créer, pour les provinces et les communes, un régime d'autonomie féconde.

Les projets qui vous seront soumis dans cette première session pour assurer le fonctionnement des franchises locales seront complétés par des projets tendant à rendre plus prompt et plus sûr le contrôle du Gouvernement sur la régularité de comptes des administrations publiques et des œuvres pies.

D'autres projets vous seront présentés pour améliorer les conditions économiques des fonctionnaires de l'État et pour en relever, en même temps, la dignité, en les rendant responsables de tous leurs actes.

Le Code Pénal et le Code de Commerce, qui seront soumis à vos délibérations, couronneront la grande œuvre de l'unification législative.

Il nous reste à aborder un problème qui n'a été qu'imparfaitement résolu jusqu'ici. Les franchises accordées à l'Église, en Italie, dans une mesure plus large que dans tout autre État Catholique, ne sauraient être pratiquées de façon à porter atteinte aux libertés publiques ou à amoindrir les droits de la souveraineté nationale.

Mon Gouvernement soumettra à votre examen les mesures nécessaires pour rendre efficaces les réserves et les conditions énoncées dans la loi qui a sanctionné les garanties ecclésiastiques.

Mon Gouvernement soumettra à votre examen, outre la revision des Traités de Commerce, des propositions à l'égard de l'assiette définitive de l'exploitation des chemins de fer et des lignes postales maritimes.

Il faudra, enfin, aviser résolument à restaurer la marine militaire, à achever sans délai l'organisation, bien avancée déjà, de l'armée. Nous devons aussi entreprendre les ouvrages de défense destinés à renforcer les boulevarts merveilleux dont la Providence a doté notre pays.

J'ai voulu qu'on reprît l'étude de la loi électorale en vue d'augmenter de plus en plus le nombre des citoyens appelés à remplir l'acte le plus important de la vie politique.

En même temps que de ce grave sujet d'étude, mon Gouvernement vous saisira de la proposition d'une réorganisation complète des écoles populaires. Il est indispensable d'attribuer à l'enseignement un caractère plus profitable, et d'étendre à tous les citoyens l'obligation de préparer leur intelligence à l'exercice des devoirs civiques, ainsi que l'on doit maintenir pour tous l'obligation de l'éducation militaire.

Messieurs les Sénateurs, Messieurs les Députés,—Depuis six ans nous célébrons à Rome la fête de notre unité nationale. Le rétablissement de notre unité a déjà porté ses fruits de gloire et de sagesse civile.

On a fait beaucoup : mais il reste beaucoup à faire. Nous avons encore devant nous l'œuvre qui exige le plus de patience au travail et le plus de concorde dans les efforts : consolider et corriger, s'il est nécessaire, l'édifice gouvernemental tout entier.

Ce but ne saurait être atteint qu'en rivalisant sincèrement, de tous les côtés, d'activité et de persévérance.

Je vous indique la voie, et je suis sûr que dans ces combats pour la réorganisation du pays, la nation répondra à mes paroles par de nobles sacrifices et de victoires glorieuses.

*PROCLAMATION by the President of Liberia, respecting the Importation and Sale of Arms and Munitions of War in the County of Maryland.—February 10, 1876.\**

By the President of the Republic of Liberia.

*PROCLAMATION.*

WHEREAS in consequence of the hostile attitude assumed by certain tribes within and under the jurisdiction of this Republic, against the Government of Liberia, the Legislature did, at its late session, authorize the President, by proclamation or otherwise, to interdict certain trading points along the coast; and whereas it is not the policy of the Government to unnecessarily restrain the privileges of its citizens :

Now, therefore, I, James Spriggs Payne, President of the Republic of Liberia, do hereby proclaim and make known to all whom it may concern, that on and after the 21st day of February, A.D. 1876, no person shall be allowed to prosecute any trade of any kind whatsoever, at any town or place within the county of Maryland, except the Port of Harper, until this interdict shall be revoked.

And I do further proclaim and make known, that on and after the said 21st day of February, A.D. 1876, as provided for in an Act passed at the late session of the Legislature, and approved on the 2nd February, 1876, forbidding the importation and sale of fire-arms and munitions of warfare into the county of Maryland, "it shall be unlawful for any foreigner, residing in the Republic, any captain, supercargo of any vessel or steamer, or any citizen, to import into the county of Maryland (commencing from the coast including Grand Cesssters on the north-west of Maryland county, extending to the south-east boundary of the Republic's territory), any gunpowder, guns, and munitions of war of whatever description, unless for Government, until after the cessation of the war in Maryland with the Grebo confederated tribes," under pain of the penalties set forth in said Act.

\* Published in the "London Gazette," April 25, 1876.



And I do also proclaim and make known, that on and after the said 21st day of February, A.D. 1876, the Proclamation issued on the 22nd day of November, A.D. 1875, forbidding the sale and furnishing of fire-arms and ammunition to the aboriginal native or natives within the boundaries of this Republic, is revoked and shall be of no effect except in those parts herein interdicted and proscribed, that is to say, "commencing from the coast including Grand Cessters on the north-west of Maryland county, extending to the south-east boundary of the Republic's territory," and the citizens or foreigners shall be privileged to deal in said prohibited articles in other parts as before the issuing of the aforesaid Proclamation.

And this present interdict and prohibition shall continue in full force until due notice shall have been given to the contrary by the Proclamation of the President.

And I do hereby require all Officers, Civil or Military, within this Republic to take special care in seeing the terms of this interdict fully carried out, and all citizens and residents in this Republic, and persons in charge of any vessel coming to our ports, to control and govern themselves accordingly.

In testimony whereof I have hereunto set my hand, and caused the seal of the Republic of Liberia to be affixed this 10th day of February, A.D. 1876, and of the Republic the 29th.

(L.S.) JAMES S. PAYNE.

By the President :

J. E. MOORE, *Secretary of State*.

**BRITISH NOTIFICATION of the Venezuelan Blockade of the Mouths of the River Orinoco.—London, December 12, 1871.**

*Foreign Office, December 12, 1871.*

It is hereby notified, that Her Majesty's Government has received from the Governor of Trinidad a copy of a Decree given at Carácas on the 2nd October, 1871, by the President of the United States of Venezuela, declaring a blockade of the line of coast embracing the entrances of the River Orinoco, in consequence of the occupation of Ciudad Bolivar by the Rebels. The text of the Decree is as follows :—

(Translation.)

**DECREE.**

JOSÉ IGNACIO PULIDO, Chief of the Presidency of the United States of Venezuela.

In pursuance of the right vested in me by the Congress of Plenipotentiaries,

It is decreed :—

1st. That the navigation of the waters of the Orinoco is hereby prohibited, and the line of coast embracing its entrance is blockaded in consequence of the occupation of Ciudad Bolivar by the Rebels.

2nd. That the naval force required to carry this blockade into effect has been equipped.

3rd. That the commanders of the blockading vessels will act in accordance with the Cruizing Orders of the 30th March, 1822, and the following instructions :—

1. Two months from date of this Decree will be allowed to all vessels from Europe; to vessels from the United States of North America, one month from such date; and all the vessels from the Antilles (excepting Curaçoa, Trinidad, and Demerara) are to observe this Decree from the date of the notification of this blockade to their respective authorities.

When they enter the waters of the blockaded coasts they will be notified by the commanders of the blockading vessels of war that the line of blockade cannot be crossed.

In cases only where parties insist on acting against these rules, they will be considered as violating the blockade.

2. The foregoing instructions refer to the vessels above mentioned, to which will be extended the privilege (contained in Article 21 of Law 3, Codicil of the Exchequer) to enter and discharge in any other port of the Republic not occupied by the Rebels, should it be considered convenient.

3. After the expiration of the time allowed in Section 1, all vessels entering the waters of the blockaded coasts will be considered as having been notified, and will be sent under custody to the Naval Court at the station of Porto Cabello.

4. This Decree will be communicated to all whom it may concern, and the Minister of War and Marine is charged with the publication and execution thereof.

Given at Carácas on the 2nd October, 1871, 8th of the Law and 13th of the Federation.

J. J. PULIDO, *Minister P. P.*

M. OLIVO.

**SPANISH ORDER respecting the Tonnage Measurement of Coal-laden Vessels in Spain.—Madrid, May 4, 1876.**

(Translation.)

**ROYAL ORDER.**

HIS Majesty the King (whom God preserve) agreeing with your proposal has deigned to order—

1. That the captains of vessels laden with coals shall come provided with a certificate from the Consul of Spain at the starting-

point, to be issued on presentation of the certificates of freight ("polizas de fletamiento"), and setting forth the quantity of fuel which they carry; the said document to serve as a basis for effecting the Customs operations without prejudice to the verifications which may be made by the Custom-houses in cases of doubt.

2. That the Customs operations now awaiting decision be carried out by taking the quantity which may have been declared by the consignees if they present the Consular certificate proving that to be the quantity which the vessel received at the port of loading; and

3. That information of the decision be given to our Consuls causing them to understand the importance which will be attached to the document which they are to issue, and pressing them to show zeal for the best defence of fiscal interests.

By Royal Order I inform you of this, that it may have due effect.  
Madrid, May 4, 1876.

God preserve you, &c.,

*The Director-General of Customs.*

SALAVERRIA.

*PORTUGUESE LAW, authorizing the Extension to Great Britain of the Advantages contained in Tariff (B) annexed to the Treaty between Portugal and France of July 11, 1866.\*—  
Lisbon, January 26, 1876.*

(Translation.)

DOM LEWIS, by the grace of God King of Portugal and of the Algarves, &c.

We make known to all our subjects that the General Cortes have decreed, and that We sanction the following Law:—

ART. 1. The Government is hereby empowered to extend to Great Britain, and to all other countries where Portuguese products enjoy the most-favoured-nation treatment, the advantages contained in Tariff (B), annexed to the Treaty of the 11th July, 1866,\* between Portugal and France.

2. All legislation to the contrary is hereby revoked.

We command, therefore, all the authorities to whom the knowledge and execution of the said Law appertain, to fulfil it, and to see that it be fulfilled and observed to the full extent of its provisions.

The Ministers and Secretaries of State for Foreign Affairs and for Finance shall cause the same to be printed, published, and circulated.

Given at the Palace of the Ajuda, January 26, 1876.

THE KING.

JOÃO DE ANDRADE CORVO.

ANTONIO DE SERPA PIMENTEL.

*DECREE of the King of Portugal, extending to British Products imported into Portugal the Advantages contained in Tariff (B) annexed to the Treaty between Portugal and France of July 11, 1866.\*—Lisbon, February 3, 1876.*

(Translation.)

AVAILING myself of the authority accorded in virtue of the Law of the 26th January last,† I am pleased to decree that the advantages contained in Tariff (B), annexed to the Treaty of the 11th July, 1866,\* between Portugal and France, shall be extended to the products from Great Britain cleared inwards, at the expiration of the legal terms when the said Law shall commence to come into operation.

The Ministers and Secretaries of State for Foreign Affairs and for Finance shall accordingly cause the same to be carried into effect.

At the Palace of the Ajuda, February 3, 1876.

THE KING.

JOÃO DE ANDRADE CORVO.

ANTONIO DE SERPA PIMENTEL.

*JAPANESE LAW on the Press.—June 28, 1875.*

1. WHENEVER it is wished to publish a newspaper or periodical magazine, the proprietor, or, if a company, the director, must send in a petition to the Home Department through the office of the "Fu" or "Ken" for permission to do so. In any case of publication without such permission a charge will be laid against the offender before the Judicial Authorities,‡ the publication will be put a stop to, and the proprietor or director as well as the editor and printer will be severally punished by a fine of 100 yen. Any one who falsely describes himself as having obtained permission will be fined not less than 100 yen and not more than 200 yen, and his types and machinery will be confiscated.

2. The following particulars are to be inserted in the petition.

(1.) The title of the proposed publication.

(2.) The time when published, whether daily, weekly, monthly, or at indefinite times.

(3.) The name and residence of the proprietor, or, if a company, of the director or directors, exclusive of persons having only a share in the newspaper.

(4.) The name and residence of the editor, or, where there are several editors, of the principal editor.

\* Vol. LVII. Page 95.

† Page 522.

‡ The Fu and Ken authorities will act as prosecutors in the case of offences against this Law.

(5.) The name and residence of the printer. If the editor and printer are the same person, this should be stated.

Any false declaration with regard to the above five particulars will be punished by the stoppage or suspension of the publication, and by a fine of from 10 to 100 yen.

3. In the event of the death or resignation of an editor or chief editor, the publication may be continued with a provisional editor or chief editor, but the name and residence of the new editor or chief editor must be reported by the proprietor or director to the office of the "Fu" or "Ken" within 15 days at latest, counting from the day after the death or resignation. If a report is not made within this time, the publication will be suspended, and the proprietor or director will pay a fine of 100 yen.

If any change should occur in any of the other particulars mentioned in Clause 2, the proprietor or director and editor or chief editor should report it jointly within at least 15 days after. Failure to report within the time specified subjects the proprietor or director and editor or chief editor to a fine of 100 dollars each.

4. No other persons than Japanese subjects can be proprietors or directors, editors or chief editors.

5. The proprietor or editor may himself be also the editor or chief editor.

6. Where there are two or more editors one shall be selected and made chief editor.

The names of the editor and printer shall be inserted at the end of each number or volume, and where there are several editors, of the chief editor. If the editor or chief editor is ill, a substitute should be provided, and his name published instead.

An infraction of this rule subjects the editor, chief editor, or substitute to a penalty of not less than 100 yen and not more than 500 yen, and the printer to a fine of 100 yen.

7. If anything contained in the number or volume infringes the prohibitions of Clause 12 and the following clauses, or if an offence is committed against the law of slander, the editor will be considered the principal, and the writer an accessory, and if the proprietor or director is cognizant of it, he will be considered as if he were the responsible editor.

8. With the exception of the ordinary paragraphs of news, the writers of articles in newspapers or magazines (in which contributors are included) must sign their names in every case where the discussion turns upon foreign or domestic politics, finance, the feelings of the nation, the aspect of the times, learning or religion, or matters affecting the rights of officials and people.

The writer who signs a feigned name subjects himself to imprisonment for 30 days, and to a fine of 10 yen. If he signs

another man's name he subjects himself to imprisonment for 70 days and to a fine of 20 yen.

Either or both of the above-named punishments may be inflicted. The same rule holds for the punishments mentioned below.

9. When articles are translated from foreign newspapers or magazines, the translator, except in the case of ordinary paragraphs of news, must sign his name to them; and if such articles infringe the prohibitions of Clause 12 and the following clauses, or if they offend against the law of slander, the responsibility of the translator is the same as that of the writer in Clause 7 who is considered an accessory.

10. If the editor only is sentenced to imprisonment for an offence, the proprietor or director may appoint an acting editor or a new editor and continue the publication, except it has been at the same time suspended. If the publication is continued without an editor having been appointed, it will be suspended.

11. If in any newspaper or magazine, any public office, company or private individual is mentioned by name, the newspaper or magazine must publish in their next issue after receiving it any explanation or correction which such public office, company or person may furnish to them. An infraction of this rule subjects the editor to a penalty of not less than 10 yen and not exceeding 100 yen.

12. Any person who in a newspaper or magazine incites to the commission of any crime will be considered equally guilty with the person who has been caused to commit it, and if his inciting has not resulted in any offence being committed the penalty is imprisonment for not less than five days and not more than three years, and a fine of not less than 10 yen and not exceeding 500 yen.

Any one who incites to riot a number of evil-disposed persons, or who stirs up to a violent attack upon the authorities, will be considered equally guilty with the ringleader. If his persuasions do not result in causing a crime to be committed he will be punished as above.

13. Any one advocating a revolution in the Government or the subversion of the State, or who attempts to stir up rebellion, is subject to imprisonment for not less than one year and not more than three, and in the case of crime committed (owing to such instigation), to the same punishment as the principal offender.

14. Any one who reviles existing laws, or confuses the sense of duty of the people to observe them, or who by perverted reasoning attempts to justify offences plainly contrary to the criminal law, will be punished with imprisonment for not less than one month and not more than one year, and with a fine of not less than 5 yen, and not exceeding 100 yen.

15. It is not allowed to publish the preliminary proceedings in criminal courts before sentence has been publicly delivered, nor the deliberations of the judicial officers respecting the trial. Any breach of this rule is punished with imprisonment for not less than one month and not exceeding one year, and a fine of not less than 100 yen, and not exceeding 500 yen.

16. Memorials and petitions may not be published without the sanction of the "In," "Shô," "Shi" or "Chô." Any breach of this rule subjects the offender to the same penalties as in the preceding clause.

#### ADDITIONAL REGULATION.

Any person who has already received authorization to publish a newspaper or magazine before this law was notified need not send in a fresh application, but he should report to the Home Department through his "Fu" or "Ken," within 10 days counting from the day following his receipt of the notification, the five items specified in Clause 2. If after 10 days have elapsed, this report has not been sent in, the "Fu" or "Ken" will suspend the publication. Fresh application must follow the rule laid down in Clause 1.

When there have hitherto been several editors but no chief editor, a chief editor or provisional chief editor must be appointed within two days, counting from the day following the receipt of the notification.

If after two days, the newspaper or magazine continues to be published without the name of any chief editor, the "Fu" or "Ken" will suspend the publication. Fresh application should follow the course described above.

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**BRITISH ORDER IN COUNCIL, for carrying into effect the Treaty between Great Britain and Honduras of January 6, 1874, for the Mutual Extradition of Fugitive Criminals.—Osborne, February 5, 1876.**

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At the Court at Osborne House, Isle of Wight, the 5th day of February, 1876.

**PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.**

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WHEREAS by an Act of Parliament made and passed in the Session of Parliament holden in the 33rd and 34th years of the reign of Her present Majesty [cap. 52],\* intituled "An Act for amending the Law relating to the Extradition of Criminals," and

\* Vol LX. Page 145.

also by an Act of Parliament made and passed in the Session of Parliament holden in the 36th and 37th years of the reign of Her present Majesty [cap. 60],\* intituled "An Act to amend the Extradition Act, 1870," it was amongst other things enacted, that where an arrangement has been made with any foreign State with respect to the surrender to such State of any fugitive criminals, Her Majesty may, by Order in Council, direct that the said Acts shall apply in the case of such foreign State; and that Her Majesty may, by the same or any subsequent Order, limit the operation of the Order, and restrict the same to fugitive criminals who are in or suspected of being in the part of Her Majesty's dominions specified in the Order, and render the operation thereof subject to such conditions, exceptions, and qualifications as may be deemed expedient:

And whereas a Treaty was concluded on the 6th day of January, 1874, between Her Majesty and the President of the Republic of Honduras, for the Mutual Extradition of Fugitive Criminals, which Treaty is in the terms following:—

[Here follows the Treaty. See Vol. LXV. Page 48.]

And whereas the ratifications of the Treaty were exchanged at Guatemala on the 12th day of October last:

Now, therefore, Her Majesty, by and with the advice of Her Privy Council, and in virtue of the authority committed to Her by the said recited Acts, doth order, and it is hereby ordered, that from and after the 21st day of February, 1876, the said Acts shall apply in the case of the said Treaty with the President of the Republic of Honduras.

C. L. PEEL.

*BRITISH ORDER IN COUNCIL, for carrying into effect the Treaty between Great Britain and Hayti of December 7, 1874, for the Mutual Extradition of Fugitive Criminals.—Osborne, February 5, 1876.*

At the Court at Osborne House, Isle of Wight, the 5th day of February, 1876.

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by an Act of Parliament made and passed in the Session of Parliament holden in the 33rd and 34th years of the reign of Her present Majesty [cap. 52],† intituled "An Act for

\* Vol. LXIII. Page 391.

† Vol. LX. Page 146.



amending the Law relating to the Extradition of Criminals," and also by an Act of Parliament made and passed in the Session of Parliament holden in the 36th and 37th years of the reign of Her present Majesty [cap. 60],\* intituled "An Act to amend the Extradition Act, 1870," it was amongst other things enacted, that where an arrangement has been made with any foreign State with respect to the surrender of such State of any fugitive criminals, Her Majesty may, by Order in Council, direct that the said Acts shall apply in the case of such foreign State; and that Her Majesty may, by the same or any subsequent Order, limit the operation of the Order, and restrict the same to fugitive criminals who are in or suspected of being in the part of Her Majesty's dominions specified in the Order, and render the operation thereof subject to such conditions, exceptions, and qualifications as may be deemed expedient:

And whereas a Treaty was concluded on the 7th day of December, 1874, between Her Majesty and the President of the Republic of Hayti, for the Mutual Extradition of Fugitive Criminals, which Treaty is in the terms following:—

[Here follows the Treaty. See Vol. LXV. Page 44.]

And whereas the ratifications of the said Treaty were exchanged at Port-au-Prince on the 2nd day of September last:

Now, therefore, Her Majesty, by and with the advice of Her Privy Council, and in virtue of the authority committed to Her by the said recited Act, doth order, and it is hereby ordered, that from and after the 21st day of February, 1876, the said Acts shall apply in the case of the said Treaty with the President of the Republic of Hayti.

C. L. PEEL.

*BRITISH ORDER IN COUNCIL, for carrying into effect the Treaty between Great Britain and Belgium of May 20, 1876, for the Mutual Extradition of Fugitive Criminals.—Osborne, July 21, 1876.*

At the Court at Osborne House, Isle of Wight, the 21st day of July, 1876.

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by an Act of Parliament made and passed in the Session of Parliament holden in the 33rd and 34th years of the reign of Her present Majesty [cap. 52],† intituled "An Act for amending the Law relating to the Extradition of Criminals," and

\* Vol. LXIII. Page 391.

† Vol. LX. Page 145.

also by an Act of Parliament made and passed in the Session of Parliament holden in the 36th and 37th years of the reign of Her present Majesty [cap. 60],\* intituled "An Act to amend the Extradition Act, 1870," it was amongst other things enacted, that where an arrangement has been made with any foreign State with respect to the surrender to such State of any fugitive criminals, Her Majesty may, by Order in Council, direct that the said Acts shall apply in the case of such foreign State; and that Her Majesty may, by the same or any subsequent Order, limit the operation of the Order, and restrict the same to fugitive criminals who are in or suspected of being in the part of Her Majesty's dominions specified in the Order, and render the operation thereof subject to such conditions, exceptions, and qualifications as may be deemed expedient:

And whereas a Treaty was concluded on the 20th day of May, 1876, between Her Majesty and the King of the Belgians, for the Mutual Extradition of Fugitive Criminals, which Treaty is in the terms following:—

[Here follows the Treaty. See Page 24.]

And whereas the ratifications of the said Treaty were exchanged at Brussels on the 28th day of June last:

Now, therefore, Her Majesty, by and with the advice of Her Privy Council, and in virtue of the authority committed to Her by the said recited Acts, doth order, and it is hereby ordered, that from and after the 4th day of August, 1876, the said Acts shall apply in the case of the said Treaty with the King of the Belgians.

C. L. PERL.

*BRITISH NOTIFICATION of the Postponement until after the 30th of June, 1876, of the Blockade of the Coast of Dahomey ordered by the Commander of Her Majesty's Naval Forces on the West Coast of Africa to be instituted from the 1st of that month.—London, May 23, 1876.*

*Foreign Office, May 23, 1876.*

It is hereby notified that the Lords Commissioners of the Admiralty having received a despatch from Commodore Sir W. Hewett, the officer in command of Her Majesty's naval forces on the West Coast of Africa, containing a declaration that on and after the 1st of June next, that portion of the sea-coast of the Kingdom of Dahomey comprised between the longitude of 1° 32' W. [*sic*], and the longitude of 2° 35' E., including the ports of Porto Seguro, Little Popo, Aghwey, Great Popo, Whydah, Godomy or

Jackin, and Cutanee or Appi Vista, would be placed in a state of blockade, Her Majesty's Government have given orders to the said Sir W. Hewett and the officers under his command that no blockade of the said coasts, or of any part thereof, shall be established till after the 30th day of June next.

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**BRITISH NOTIFICATION of the Blockade of the Coast of Dahomey.—Whydah, July 3, 1876.**

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It is hereby notified that on and after the date hereof that portion of the sea-coast of the Kingdom of Dahomey which is comprised between the meridian of 2° 35' east longitude, and the eastern shore of the channel leading into the Whydah Lagoon at Great Popo, on the meridian of 1° 54' east longitude, including the ports of Cutanee or Appi Vista, Godomy or Jackin, and Whydah, is placed in a state of blockade, and that such blockade is and will be maintained by a competent force of Her Britannic Majesty's ships. All measures, therefore, which are authorized by the law of nations, and the respective Treaties between Her Britannic Majesty and the different neutral Powers, will be enforced on behalf of Her Britannic Majesty against all vessels which may attempt to violate the blockade.

The notice of the blockade of the above territory, which took effect on the 1st instant, is hereby cancelled.

Given under my hand on board Her Britannic Majesty's ship *Active* off Whydah, this 3rd day of July, A.D. 1876.

W. N. W. HEWETT, *Commodore, Commanding Her Britannic Majesty's ships on the Cape of Good Hope and West Coast of Africa Station.*

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**TREATY of Peace and Friendship between Japan and Corea.\***  
—February 26, 1876.

(Translation.)

THE Governments of Japan and Chōsen being desirous to resume the amicable relations that of yore existed between them, and to promote the friendly feelings of both nations to a still firmer basis, have for this purpose appointed their Plenipotentiaries, that is to say :

The Government of Japan, Kuroda Kujotaka, High Commis-

\* Laid before Parliament with Correspondence relating thereto in 1876.

sioner Extraordinary to Chōsen, Lieutenant-General, and Member of the Privy Council, Minister of the Colonization Department, and Inouye Ka-o-ru, Associate High Commissioner Extraordinary to Chōsen, Member of the Genrō-in; and

The Government of Chōsen, Shinken, Han-choo-soo Fu Ji, and Injiahō, To-so-Fu, Fuku-so-Kwan;

Who, according to the powers received from their respective Governments, have agreed upon and concluded the following Articles:—

ART. I. Chōsen, being an independent State, enjoys the same sovereign rights as does Japan.

In order to prove the sincerity of the friendship existing between the two nations, their intercourse shall henceforward be carried on in terms of equality and courtesy, each avoiding the giving of offence by arrogation or manifestations of suspicion.

In the first instance, all rules and precedents that are apt to obstruct friendly intercourse shall be totally abrogated, and in their stead rules liberal and in general usage fit to secure a firm and perpetual peace shall be established.

II. The Government of Japan at any time 15 months from the date of the signature of this Treaty shall have the right to send an Envoy to the capital of Chōsen, where he shall be admitted to confer with the Rei-sō-han-sho, on matters of a diplomatic nature. He may either reside at the capital or return to his country on the completion of his mission.

The Government of Chōsen in like manner shall have the right to send an Envoy to Tokio, Japan, where he shall be admitted to confer with the Minister of Foreign Affairs on matters of a diplomatic nature. He may either reside at Tokio or return home on the completion of his mission.

III. All official communications addressed by the Government of Japan to that of Chōsen shall be written in the Japanese language, and for a period of ten years from the present date they shall be accompanied by a Chinese translation. The Government of Chōsen will use the Chinese language.

IV. Sōrio, in Fusan, Chōsen, where an official establishment of Japan is situated, is a place originally opened for commercial intercourse with Japan, and trade shall henceforward be carried on at that place in accordance with the provisions of this Treaty, whereby are abolished all former usages, such as the practice of saikensen (junks annually sent to Chōsen by the late Prince of Tsushima to exchange a certain quantity of articles between each other).

In addition to the above place, the Government of Chōsen agrees to open two ports, as mentioned in Article V of this Treaty, for commercial intercourse with Japanese subjects.

In the foregoing places Japanese subjects shall be free to lease land and to erect buildings thereon, and to rent buildings, the property of subjects of Chōsen.

V. On the coast of five Provinces, viz., Keiken, Chiusei, Zenra, Keishō, and Kankiō, two ports, suitable for commercial purposes, shall be selected, and the time for opening these two ports shall be in the twentieth month from the second month of the ninth year of Meiji, corresponding with the date of Chōsen, the first moon of the year Heishi.

VI. Whenever Japanese vessels, either by stress of weather or by want of fuel and provisions, cannot reach one or the other of the open ports in Chōsen, they may enter any port or harbour either to take refuge therein or to get supplies of wood, coal, and other necessities, or to make repairs; the expenses incurred thereby are to be defrayed by the ship's master. In such events both the officers and the people of the locality shall display their sympathy by rendering full assistance, and their liberality in supplying the necessities required.

If any vessel of either country be at any time wrecked or stranded on the coasts of Japan or of Chōsen, the people of the vicinity shall immediately use every exertion to rescue her crew, and shall inform the local authorities of the disaster, who will either send the wrecked persons to their native country or hand them over to the officer of their country residing at the nearest port.

VII. The coasts of Chōsen, having hitherto been left unsurveyed, are very dangerous for vessels approaching them, and in order to prepare charts showing the positions of islands, rocks, and reefs, as well as the depth of the water, whereby all navigators may be enabled safely to pass between the two countries, any Japanese mariner may freely survey said coasts.

VIII. There shall be appointed by the Government of Japan an officer to reside at the open ports in Chōsen for the protection of Japanese merchants resorting there, providing that such arrangement be deemed necessary. Should any question interesting both nations arise, the said officer shall confer with the local authorities of Chōsen and settle it.

IX. Friendly relations having been established between the two Contracting Parties, their respective subjects may freely carry on their business without any interference from the officers of either Government, and neither limitation nor prohibition shall be made on trade.

In case any fraud be committed or payment of debt refused by any merchant of either country, the officers of either one or of the other Government shall do their utmost to bring the delinquent to justice and to enforce recovery of the debt.

Neither the Japanese nor the Chōsen Government shall be held responsible for the payment of such debt.

X. Should a Japanese subject residing at either of the open ports of Chōsen commit any offence against a subject of Chōsen, he shall be tried by the Japanese authorities.

Should a subject of Chōsen commit offence against a Japanese subject, he shall be tried by the authorities of Chōsen.

The offenders shall be punished according to the laws of their respective countries.

Justice shall be equitably and impartially administered on both sides.

XI. Friendly relations having been established between the two Contracting Parties, it is necessary to prescribe trade regulations for the benefit of the merchants of the respective countries.

Such trade regulations, together with detailed provisions, to be added to the Articles of the present Treaty, to develop its meaning and facilitate its observance, shall be agreed upon at the capital of Chōsen or at the Kok'wa-fu, in the said country, within six months from the present date, by Special Commissioners appointed by the two countries.

XII. The foregoing 11 Articles are binding from the date of the signing hereof, and shall be observed by the two Contracting Parties faithfully and invariably, whereby perpetual friendship shall be secured to the two countries.

The present Treaty is executed in duplicate, and copies will be exchanged between the two Contracting Parties.

In faith whereof we, the respective Plenipotentiaries of Japan and Chōsen, have affixed our seals hereunto this 26th day of the second month of the ninth year of Meiji, and the 2,536th since the accession of Zimmu Tenno, and in the era of Chōsen, the second day of the second moon of the year Heishi, and of the founding of Chōsen the 485th.

(L.S.) KURODA KUJOTAKA, *High Commissioner Extraordinary to Chōsen, Lieutenant-General and Member of the Privy Council, Minister of the Colonization Department.*

(L.S.) INOUE KAORU, *Associate High Commissioner Extraordinary to Chōsen, Member of the Genrō-in.*

(L.S.) SHIN KEN, *Dai-Kwan, Han-Choo-Soo-Fuji of Chōsen.*

(L.S.) IN-JI-SHIO, *Fuku-Kwan, Tosofu, Fuku-So-Kwan of Chōsen.*

*TRAITÉ d'Établissement entre la Suisse et l'Empire Allemagne.*  
—Signé à Berne, le 27 Avril, 1876.

[Ratifications échangées à Berlin, le 31 Décembre, 1876.]

La Confédération Suisse et Sa Majesté l'Empereur d'Allemagne, animés du désir de maintenir et de resserrer les liens d'amitié existant entre la Suisse et l'Empire d'Allemagne, et dans le but de régler les conditions de l'établissement des Suisses dans l'Empire d'Allemagne et des Allemands en Suisse, ainsi que celles de l'assistance réciproque de ceux de leurs ressortissants qui doivent être secourus et soignés, sont convenus de conclure à cet effet un Traité et ont nommé pour leurs Plénipotentiaires, savoir :

Le Conseil Fédéral Suisse, M. le Conseiller Fédéral Fridolin Anderwert, Chef du Département Fédéral de Justice et Police ; et

Sa Majesté l'Empereur d'Allemagne, son Envoyé Extraordinaire et Ministre Plénipotentiaire auprès de la Confédération Suisse, M. le Lieutenant-Général Maximilien-Henri de Boeder ;

Lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivants, sous réserve de ratification :—

ART. I. Les Allemands seront reçus et traités dans chaque Canton de la Confédération, relativement à leurs personnes et à leurs propriétés, sur le même pied et de la même manière que le sont ou pourront l'être à l'avenir les ressortissants des autres Cantons. Ils pourront en conséquence aller, venir, séjourner temporairement et s'établir d'une manière permanente en Suisse, en se conformant aux lois et règlements de police.

Tout genre d'industrie et de commerce permis aux ressortissants des divers Cantons le sera également aux Allemands, sans qu'on puisse en exiger aucune condition pécuniaire ou autre plus onéreuse.

II. Pour prendre domicile ou former un établissement en Suisse, les Allemands devront être munis d'un acte d'origine et d'un certificat par lequel l'autorité compétente de la patrie du requérant atteste qu'il jouit de la plénitude de ses droits civiques et d'une réputation intacte.

III. Les Suisses jouiront, en Allemagne, en se conformant aux prescriptions de l'Article II du présent Traité, des mêmes droits et avantages que l'Article I ci-dessus assure aux Allemands en Suisse.

IV. Les ressortissants de l'un des deux États établis dans l'autre demeurent soumis aux lois de leur patrie en ce qui concerne le service militaire et les prestations imposées par compensation

pour le service personnel ; ils ne peuvent, en conséquence, dans le pays où ils sont établis, être astreints ni à un service militaire quelconque, ni aux prestations imposées par compensation pour le service personnel.

V. En cas de guerre ou d'expropriation pour cause d'utilité publique, les citoyens de l'un des deux États résidant ou établis dans l'autre seront assimilés aux citoyens du pays où ils résident, en ce qui concerne les indemnités pour les dommages qu'ils auront éprouvés.

VI. Tout avantage que l'une des Parties Contractantes aurait concédé ou pourrait encore concéder à l'avenir d'une manière quelconque à une autre Puissance, en ce qui concerne l'établissement et l'exercice des professions industrielles, sera applicable de la même manière et à la même époque à l'autre partie, sans qu'il soit nécessaire de faire une Convention spéciale à cet effet.

VII. Les ressortissants de l'un des deux États Contractants qui se trouvent sur le territoire de l'autre, qui y résident ou qui y sont établis, et qui seraient dans le cas d'être renvoyés par sentence du juge, ou parce qu'ils sont un danger pour la sûreté extérieure ou intérieure de l'État, ou d'après les lois et règlements sur la police des mœurs et la mendicité, seront, à la demande de l'État Contractant qui les renvoie, reçus en tout temps, eux et leur familles, dans l'autre État.

Chaque partie s'engage, dans les mêmes éventualités, à recevoir, à la demande de l'autre partie, ceux de ses anciens ressortissants qui, tout en ayant perdu leur droit de citoyen d'après la législation du pays, ne sont pas devenus ressortissants de l'autre partie ou d'un autre État.

Toutefois, si l'origine n'est pas établie par un acte encore valable et non suspect, un renvoi, par mesure de police, ne doit pas avoir lieu avant que la question de l'obligation de recevoir l'individu à renvoyer ait été résolue et que l'autre État ait expressément reconnu son obligation à cet égard.

Les frais de transport jusqu'aux frontières de la Suisse et de l'Allemagne seront à la charge de l'État qui a provoqué le renvoi.

VIII.\* Les deux parties se réservent le droit d'interdire, à ceux de leurs ressortissants qui se sont fait naturaliser dans l'autre avant de s'être acquittés de leur service militaire, le séjour permanent ou l'établissement dans leur ancienne patrie.

IX. Les propriétaires ou cultivateurs Suisses de biens-fonds situés dans l'Empire d'Allemagne, et *vice versa* les propriétaires ou cultivateurs Allemands de biens-fonds situés en Suisse, jouissent, pour l'exploitation de leurs biens, des mêmes avantages que les

\* See Protocol. Page 536.



nationaux habitant la même localité, à la condition de se soumettre à toutes les ordonnances administratives et de police applicables aux ressortissants du pays.

X. Chacune des Parties Contractantes s'engage à pourvoir à ce que sur son territoire les ressortissants de l'autre partie, qui doivent être secourus et soignés, soient traités à l'égal de ses propres ressortissants jusqu'à ce que leur retour dans l'État d'origine puisse s'effectuer sans danger pour leur santé ou celle d'autres personnes. La bonification des frais résultant de l'application de ces dispositions ne peut être réclamée des caisses de l'État, des communes ou autres caisses publiques de l'État dont la personne secourue est ressortissante. Pour le cas où la personne secourue ou d'autres tiers obligés sont en état de rembourser les frais, le recours demeure réservé contre ces derniers.

Les Gouvernements Contractants s'engagent aussi réciproquement à prêter, sur la proposition de l'autorité compétente, l'appui admissible aux termes de la législation du pays, afin que ceux qui ont supporté les frais soient remboursés dans une mesure équitable.

XI. Le présent Traité entrera en vigueur le 1<sup>er</sup> Janvier, 1877, et sera valable jusqu'au 31 Décembre, 1886.

Dès son entrée en vigueur, les Traités d'Établissement conclus précédemment entre la Suisse et les divers États de l'Allemagne seront abrogés.

Dans le cas où, 12 mois avant la fin de la dite période, aucune des deux Parties Contractantes n'aurait notifié son intention de faire cesser les effets du Traité, il demeurera obligatoire jusqu'à l'expiration d'une année à partir du jour où l'une ou l'autre des Parties Contractantes l'aura dénoncé.

Le présent Traité sera ratifié aussitôt que faire se pourra, et les ratifications en seront échangées à Berlin, au plus tard le 31 Décembre de cette année,

Fait à Berne, le 27 Avril, 1876.

(L.S.) F. ANDERWERT.

(L.S.) DE RÖDER.

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### *PROTOCOLE ADDITIONNEL.*

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Pour écarter tout doute à l'égard de la portée de l'Article VIII du Traité de l'Établissement conclu et signé à Berne, le 27 de ce mois, entre la Confédération Suisse et l'Empire d'Allemagne, les Plénipotentiaires soussignés sont, avec l'autorisation de leurs Gouvernements, convenus, par le présent Protocole, de la disposition suivante :—

Les deux États Contractants s'engagent réciproquement à ne provoquer le renvoi d'une personne, prévu à l'Article VIII, qu'après un examen préalable et minutieux des circonstances qui s'y rapportent; ils ne le provoqueront pas, s'il résulte de cet examen que le changement de nationalité a eu lieu *bonâ fide*, et que la personne dont il s'agit n'a pas voulu, par cela, se soustraire au service militaire.

Le présent Protocole aura la même force et valeur que s'il était inséré dans le Traité mot à mot. Il sera ratifié par les deux Parties Contractantes, et les ratifications en seront échangées à Berlin le même jour et simultanément avec celles du Traité.

En foi de quoi les Soussignés ont signé le présent Protocole en double et y ont apposé le cachet de leurs armes.

Fait à Berne, le 27 Avril, 1876.

(L.S.) F. ANDERWERT.

(L.S.) DE ROEDER.

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*LOI de la Belgique, relative au Régime des Sucres.—Laeken, le  
24 Mai, 1876.*

LÉOPOLD II, Roi des Belges, à tous présents et à venir, salut.

Les Chambres ont adopté et nous sanctionnons ce qui suit :

ART. 1. Le cautionnement fourni en vertu de l'Article 30 de la Loi du 26 Mai, 1856, peut, jusqu'au 15 de chaque mois, servir à garantir les prises en charge aux comptes de crédit à terme et aux comptes d'entrepôts fictifs, pour les sucres provenant de la fabrication du mois précédent.

2. Par extension du premier alinéa du littéra A de l'Article 3 de la Loi du 18 Juin, 1849, les sucres méliés sciés en morceaux réguliers de forme rectangulaire sont admis à l'exportation, et jouissent de la même décharge que ces sucres, s'ils présentent d'ailleurs les conditions énumérées au dit Article.

3. § 1. L'accise sur la fabrication des glucoses de féculs de pommes de terre et de grain est fixée comme il suit, savoir :

Glucoses granulées, 12 francs par hectolitre de capacité de la cuve de saccharification. Autres glucoses, 4 francs par hectolitre de capacité de la cuve de saccharification.

§ 2. La capacité de la cuve de saccharification est constatée par empotement à pleins bords, en ne laissant dans ce vaisseau d'autre appareil ou ustensile que le serpentín fixé à demeure.

Elle est réduite de 5 pour cent pour établir la capacité imposable.

§ 3. Les droits ci-dessus seront réduits, le cas échéant, dans la même proportion que les droits sur les sucres.

§ 4. Toute entrave apportée au libre accès des employés dans les fabriques de glucoses, tant de nuit que de jour, sera considérée comme refus d'exercice, à moins que des scellées n'aient été apposées sur tous les ustensiles et foyers.

4. § 1. Le Gouvernement est autorisé à rendre applicable aux marchandises d'accise le régime de déclaration, de vérification, de chargement et de déchargement qui est en vigueur pour les marchandises de douane, ainsi que les dispositions qui règlent la liquidation des droits et les pénalités à l'importation de ces marchandises.

§ 2. La disposition suivante est ajoutée à l'Article 218 de la Loi Générale du 26 Août, 1822 :

"En cas d'exportation de marchandises d'accise, celui qui aura fait la déclaration encourra, en outre, une amende égale au décuple de la somme dont il aura tenté d'obtenir frauduleusement la décharge."

5. Sont abrogés :

Le littéra D du § 2 de l'Article 42, les §§ 2 à 5 de l'Article 43, l'Article 44 et le No. 19 du § 1 de l'Article 50 de la Loi du 26 Mai, 1856, et le § 1 de l'Article 8 de la Loi du 27 Avril, 1865.

6. Le Gouvernement déterminera la date de la mise en vigueur des dispositions de la présente Loi.

7. Si l'intérêt du commerce ou de l'industrie l'exige, le Gouvernement pourra, jusqu'au 15 Novembre, 1876, établir des surtaxes sur les sucres étrangers, et prendre toutes les mesures nécessitées par les changements qui sont ou qui seraient adoptés dans d'autres pays à l'égard des sucres de provenance Belge.

Les Arrêtés Royaux pris en vertu du présent Article seront soumis aux Chambres au commencement de la session prochaine.

Promulguons la présente Loi, ordonnons qu'elle soit revêtue du sceau de l'État et publiée par la voie du "Moniteur."

Donné à Laeken, le 24 Mai, 1876.

LÉOPOLD.

Par le Roi :

J. MALOU, *Ministre des Finances.*

Vu et scellé du sceau de l'État :

T. DE LANTSHEERE, *Ministre de la Justice.*

*ACT of the British Parliament, to enable Her Most Gracious Majesty to make an addition to the Royal Style and Titles appertaining to the Imperial Crown of the United Kingdom and its Dependencies. [Empress of India.\*]*

[39 Vic., cap. 10.]

[April 27, 1876.]

WHEREAS by the Act for the union of Great Britain and Ireland, passed in the 40th year of the reign of His late Majesty King George the Third, chapter 67, it was provided that after such union as aforesaid the royal style and titles appertaining to the Imperial Crown of the United Kingdom and its Dependencies should be such as His Majesty by his Royal Proclamation under the Great Seal of the United Kingdom should be pleased to appoint :

And whereas by virtue of the said Act and of a Royal Proclamation under the Great Seal, dated the 1st day of January, 1801, the present style and titles of Her Majesty are, "Victoria by the Grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith" :

And whereas by the Act for the better government of India, passed in the session of the 21st and 22nd years of the reign of Her present Majesty, chapter 106,† it was enacted that the government of India, theretofore vested in the East India Company in trust for Her Majesty, should become vested in Her Majesty, and that India should thenceforth be governed by and in the name of Her Majesty, and it is expedient that there should be a recognition of the transfer of government so made by means of an addition to be made to the style and titles of Her Majesty :

Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

It shall be lawful for Her Most Gracious Majesty, with a view to such recognition as aforesaid of the transfer of the government of India, by Her Royal Proclamation under the Great Seal of the United Kingdom, to make such addition to the style and titles at present appertaining to the Imperial Crown of the United Kingdom and its Dependencies as to Her Majesty may seem meet.

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\* See Proclamation of April 28, 1876. Page 547.

† Vol. XLIX. Page 742.

*ACT of the British Parliament, for the Amendment of the Trade Marks Registration Act, 1875.*

[39 and 40 Vict., cap. 33.]

[July 24, 1876.]

WHEREAS by the Trades Marks Registration Act, 1875 [cap. 91],\* in this Act referred to as the principal Act, it is provided that from and after the 1st day of July, 1876, a person shall not be entitled to institute any proceeding to prevent the infringement of any trade mark as defined by the principal Act until and unless such trade mark is registered in pursuance of that Act:

And whereas by reason of the number of trade marks, and especially by reason of the difficulties attending the registration of trade marks in relation to textile fabrics, it has been found impossible to complete the registration of existing trade marks within the time specified by the said section; and it is therefore expedient to prolong the time for the completion of such registration as aforesaid, and otherwise to amend the principal Act:

Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same as follows:—

1. There shall be repealed so much of Section 1 of the principal Act as provides that from and after the 1st day of July, 1876, a person shall not be entitled to institute any proceeding to prevent the infringement of any trade mark as defined by that Act until and unless such trade mark is registered in pursuance of that Act, and in place thereof be it enacted that—

From and after the 1st day of July, 1877, a person shall not be entitled to institute any proceeding to prevent or to recover damages for the infringement of any trade mark as defined by the principal Act until and unless such trade mark is registered in pursuance of that Act, or until and unless, with respect to any device, mark, name, combination of words, or other matter or thing in use as a trade mark before the passing of the principal Act, registration thereof as a trade mark under the principal Act shall have been refused as hereinafter is mentioned.

2. When an application by any person to register as a trade mark a device, mark, name, word, combination of words, or other matter or thing proposed for registration as a trade mark, which has been in use as a trade mark before the passing of the recited Act, has been refused, it shall be the duty of the registrar, on request, and on payment of the prescribed fee, to give to the applicant a certificate of such refusal, and a certificate so granted shall be conclusive evidence of such refusal.

\* Vol. LXVI. Page 665.

8. This Act may be cited for all purposes as the "Trade Marks Registration Amendment Act, 1876."

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*ACT of the British Parliament, for making provision respecting Shares in the Capital of the Universal Company of the Maritime Canal of Suez, acquired on behalf of the Crown.*

[39 & 40 Vict., cap. 67.]

[August 15, 1876.]

WHEREAS on the 25th day of November, 1875, an Agreement was entered into on behalf of Her Majesty the Queen on the one part, and of His Highness the Khedive of Egypt on the other part, for the purchase, on the terms therein mentioned, of shares held by His Highness the Khedive in the capital of the Universal Company of the Maritime Canal of Suez, which Agreement was in the words and figures following; that is to say :—

Agreement entered into this 25th day of November, in the year of our Lord 1875, between Major-General Edward Stanton, C.B., Her Britannic Majesty's Agent and Consul-General in Egypt, acting on behalf of Her Britannic Majesty's Government, on the one part, and his Excellency Ismail Sadek Pasha, Egyptian Minister of Finance, acting on behalf of His Highness the Khedive of Egypt, on the other part.

[See Vol. LXVI. Page 670.]

And whereas on the 23rd day of February, 1876, the House of Commons resolved that a sum not exceeding 4,080,000*l.* be granted to Her Majesty, to enable Her Majesty to pay the purchase money of the shares which belonged to the Khedive of Egypt in the Suez Canal, and the expenses attendant thereon, which will come in course of payment during the year ending on the 31st day of March, 1876:

And whereas by "The Exchequer Bonds Act, 1876," the Commissioners of Her Majesty's Treasury are empowered within one month after the 31st day of March, 1876, to raise money not exceeding 4,080,000*l.* by the issue of Exchequer bonds at interest:

And whereas it is expedient that provision be made respecting the custody and disposal of the shares aforesaid, and the receipt and application of money to accrue under the said Agreement and on those shares, and for other purposes relating thereto:

Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. The Commissioners of Her Majesty's Treasury shall receive

and hold, and may use, the shares aforesaid, on behalf of Her Majesty the Queen, her heirs and successors, on trust for public purposes.

2. All money received under the recited Agreement, or in respect of the shares aforesaid, shall be paid into the receipt of Her Majesty's Exchequer, and be carried to the Consolidated Fund of the United Kingdom.

3. The Commissioners of Her Majesty's Treasury shall cause to be laid before both Houses of Parliament, within three months after the 31st day of March in every year, accounts, showing the sums received under the recited Agreement, or in respect of the shares aforesaid, and the charge within the year for principal of and interest on the money raised in respect of the purchase of the shares aforesaid, and the amount of the principal money still outstanding.

4. This Act may be cited as "The Suez Canal (Shares) Act, 1876."

*CONVENTION between Persia and Turkey, relative to Consular Jurisdiction, Civil and Commercial Suits, Trade-Guilds, Protection, Nationality, &c.—December 20, 1875.*

(Translation.)

CONVENTION arranged and concluded on the 21st of the month of Zi-'l-Qa'da (A.H.) 1292 (20th December, 1875), between the exalted Persian Legation and the Ottoman Ministry of Foreign Affairs, with the condition of the continuance and observation of the execution of the stipulations of the Treaties concluded and existing between the two exalted Governments, Persian and Ottoman, as heretofore; and in like manner, with the condition of the continued observance of the stipulations of the Agreements that have been ratified and put in force.

ART. I.\* The subjects of the exalted Persian Government who are in the Ottoman dominions, in every matter relating to personal injuries, crimes, and misdemeanours, shall be individually subject to the Regulations and Laws of the Ottoman Empire, and directly to the police and tribunals of the said Empire.

But, since this clause must not in any manner invalidate the rights of protection of Persian officials with respect to their own subjects in the way set forth in Article IV, for this reason the investigations and punishments of acts in the nature of misdeeds that take place openly and publicly shall, as heretofore, be carried out directly by means of the police and tribunals of the Ottoman Empire; and in other than these kinds of public and witnessed offences, in order that the true circumstances of any one of the Persian subjects taken into custody and detained on an accusation

\* See Turkish Vixirial Letter of January 4, 1876. Page 546.

of an act relating to personal injuries, crimes, and misdemeanours, may become known in all the preliminary investigations that take place in respect of him, whether in the abode of felicity (Constantinople), or whether in some exterior (provincial) place, the knowledge and cognizance of the Persian Agents or Vice-Agents, and their presence, will be permissible, until (or, in order that) the culpability or innocence of the (accused) person shall become apparent. And in all cases, in order to the sentencing of individuals whose crime, offence, or misdemeanour has been proved, the judicial sentence issued shall be communicated to the Persian officials in a certified copy thereof.

Suits and contestations relating to commerce and ordinary rights, as between Persian and Ottoman subjects, that may chance to arise, shall be tried and decided in the Ottoman Tribunals; and when the time comes on for these kinds of trials, it shall be permissible for an interpreter to be present on the part of the Persian Agents.

In respect of the execution of the tenours of the sentences relating to commerce or rights, by which Persian subjects may be condemned, recourse will be had to the intervention of the exalted (Persian) Legation and Agents. And if, as is conceivable, in the space of time necessary for the execution of the said sentences, non-performance or inability of performance shall become patent and evident on the part of the exalted Legation or Agents, they shall be carried out directly by the Ottoman officials.

II. If the Persian subjects resident in the Ottoman dominions may wish, in like manner as Ottoman subjects, to enter into the character of any trade-guild, and to take up a craft and industry, they shall, just as they participate in all the regulations and laws executable in respect of the general community of the trade-guilds, therefore, so long as they shall carry on a trade, art, and industry, they shall be subject to the said regulations, customs, and laws, and by this means they will be unavoidably (liable) to the dues charged upon Ottoman tradesmen. In matters and dealings related to tradesmanship they will be individually subject to the Ottoman tribunals and officials.

III. The Agents and Vice-Agents of the exalted Persian Empire who are in the Ottoman dominions, and whose official capacity is recognized in conformity with the diplomas and commands of the Government, as also their interpreters, shall enjoy the privileges, favours, and exemptions enjoyed by the Consuls and Vice-Consuls of the friendly Powers, and their interpreters.

IV. Considering that the Agents and Vice-Agents are commissioned to procure the means of safety, advantage, and protection of such subjects of the exalted Persian Government as travel to the



Ottoman dominions by land or by sea, or who reside therein, they will have to make verbal and written communications on these subjects to the Local Governments. And furthermore, whenever a complaint against the Ottoman officials and authorities shall be made on the part of Persian subjects, the Agents and Vice-Agents will proceed to make the necessary verbal or written communications. And the individuals, subjects of Persia, who will require to be sent to the Persian dominions, will be forwarded thither by the Agents and Vice-Agents. And, in case of need, they will have the right, when so sending them, to have recourse to the agency and assistance of the Local Governments; for the Local Governments, in conformity with their representations, shall put in execution the needful assistance.

In respect to the estates of deceased Persian subjects who may die in the Ottoman dominions, since it pertains to the Agents and Vice-Agents to take possession of such deceased estates and to effect the registration, &c., thereof, in case of any claim being set up against an estate by an Ottoman subject, it will be brought before the tribunals and councils charged with such business, in conformity with the regulations.

V. Persian subjects who have no official capacity, but who travel and go about in the Ottoman dominions, and thus become subject to the regulations concerning passports, travelling permits, (and) quarantine, which are submitted to by other foreign subjects, do not thereby cause any prejudice to their quality of being foreign subjects.

VI. Since Persian subjects who reside in the Ottoman dominions possess the quality of foreign subjects, they are exempt, like other foreign subjects, from services and charges exclusively special to Ottoman subjects, such as military service and dues for exemption therefrom.

VII.\* All kinds of suits and contestations arising between subjects of the exalted Persian Government shall be settled by the action of the Agents and Vice-Agents: that is to say, every kind of chance suit or contestation between Persian subjects, whether relating to rights, or whether relating to offences, crimes, or personal injuries, shall refer to the Persian Agencies (Agency-houses—Consulates), there to be decided, judged, and settled† (or, the chastisement); punishment, and other actions thereto pertaining, shall rest with them.

In any case where delinquents, at the time of the occurrence of acts requiring punishment, are taken and detained by the (Ottoman)

\* See Turkish Vizirial Letter of January 4, 1876. Page 546.

† ترتیب (tartib) is here, probably, a clerical error for تربیت (terbiyet), chastisement.

police of the locality, upon communications being made on the subject of their nationality, information shall be given, in Constantinople to the Persian Legation, and elsewhere to the Agencies, and on proof of the truth of their being subjects of Persia, they shall be delivered to the Legation or Agencies. And if, in such cases, the Agents or Vice-Agents apply to the Local Governments, the requisite assistance shall be afforded to them.

VIII. In like manner as no interference shall take place on the part of Ottoman officials as to the relation of the affairs of subjects of the exalted Government of Persia to their own Agents, so also, in the matter of dues payable by such subjects to their own Agents, no kind of interference shall occur on the part of the Local Government.

IX. If any subject of the exalted Persian Government should desire to enter into Ottoman subjection, then, in conformity with the special rule observed with regard to other foreign subjects, after compliance with the special Regulations, and execution of the tenour of the explanations of the said Regulations, dated the 24th Jemāzi-'l-Ula, (A.H.) 1285 (11th September, 1868), communicated to all the Embassies: *i.e.*, the execution of the system and method observed in respect of foreign subjects desirous to abandon their original nationality and to enter into Ottoman subjection; which must be fully and carefully observed in respect of Persian subjects also, who may desire to become Ottoman subjects. And without the observance of this system, no one of the subjects of the exalted Persian Government shall be received as an Ottoman subject to the infringement of the rules and regulations.

X. As it is but natural that the rule of reciprocity be observed in respect of Ottoman subjects resident in the Persian dominions, therefore, whichever of the clauses of favour laid down in the present Convention as executory in respect of subjects of the exalted Persian Government may be refused or not executed towards Ottoman subjects residing in the guarded realms of Persia, that same favour will cease to be carried out in respect of subjects of the exalted State of Persia who may be resident in the Ottoman dominions; and in this respect also the principle of reciprocity will be acted upon by both parties.

XI. If it be desired on the part of the exalted Persian Government that Persian subjects may enjoy the rights of possessing real estate, a separate Convention shall be drawn up for the purpose; and until the time when such Convention may be arranged, the question of possessing real estate will remain on the same footing as heretofore.

XII. With respect to the procedure in cases of suits and contentions happening between subjects of the exalted Government of Persia and other foreign subjects, until such time as an understand-

ing shall have been arrived at between the exalted Persian Legation and the other Embassies, the system hitherto acted upon shall remain in force.

XIII. It is a settled question that a case of bankruptcy of subjects of the exalted Persian Government shall be left exclusively to the Legation and Agencies. But, in this case, should one of the creditors be an Ottoman subject, whenever they may wish, he shall be appointed to a second syndicate (sindiql).

XIV. In matters outside of the tenour of the 13 preceding Articles, the subjects of the exalted Government of Persia resident in the Ottoman Dominions, and Ottoman subjects who may be in the guarded realms of Persia, shall enjoy the same privileges and favours as are enjoyed by the subjects of the most favoured foreign nation.

Every one of the clauses and matters mentioned in the said Articles which may not be put in execution by the exalted Persian Government will also not be carried out on the part of the Ottoman Government.

21st Zi'l-Qa'da, 1292 (20th December, 1875).

(No signatures indicated.)

*Turkish Vizirial Letter explanatory of the Convention of  
December 20, 1875.—Constantinople, January 4, 1876.*

(Translation.)

EXPLANATIONS on the foregoing Convention, made under date of the 8th Zi'l-Hijja the Sacred, (A.H.) 1292 (4th January, 1876), on the part of the Sublime Porte, in a Vizirial Letter notified to all the Judges of the Ottoman Dominions, a copy thereof being officially communicated to the exalted Persian Legation residing in Constantinople.

Although 12 out of the 14 Articles contained in the said Collation\* (muqābela-nāma) are of a kind clear and manifest, still, for the purpose that, in the interpretation of Articles I and VII, no manner of discrepancy shall remain, it is undertaken, as follows, to give certain explanations to this effect:

Although, in accordance with Article I, "the subjects of the exalted Persian Government who are in the Ottoman Dominions, in every matter relating to personal injuries, crimes, and misdemeanours, are individually subject to the Regulations and Laws of the Ottoman Empire, and directly to the police and tribunals of

\* مقابلة نامه, *muqābela-nāma*, appears to be a clerical error for مقاوله نامه, *muqāwala-nāma*, a Convention.

the said Empire ;” and “in order to the sentencing of individuals whose crime, offence, or misdemeanour has been proved, the judicial sentence issued shall be communicated to the Persian officials in a certified copy thereof ;” and “in the preliminary investigations that take place in respect of ‘them’ until the culpability or innocence of ‘them’ shall become apparent, ‘the presence’ in person, or by a representative, of the Persian Agents and Vice-Agents will ‘necessarily’ be permissible ;” still, as the effect of this Article covers such kinds of acts as may have occurred between subjects of the exalted Government (of Turkey) and subjects of the exalted Persian Government, it will become needful in this case, that, for one individual Persian wronged or bodily injured, an Ottoman adverse party should exist ; and thence a right and capacity ensues for the Persian officials to inquire into the punitory result decreed against an Ottoman subject. Any information of this kind that may be asked for by them must be given.

Again, since, according to the details set forth in Article VII, “every kind of suit or contestation,” “whether relating to rights,” “offences, crimes, or personal injuries” that may arise between two Persian subjects must be settled by means of the Persian Agents and Vice-Agents, the decision and determination of all such suits and their other mutual dealings must be relegated to the Agents and Vice-Agents ; for this same reason it will be necessary in the case where the delinquents are taken and detained by the local police at the very time of their criminal act, whenever they may be proved to be really Persian subjects, they shall be immediately delivered to the Agents and Vice-Agents. And this act of detention shall only then be put in practice, when the said acts take place openly. Otherwise, whenever they occur in the place of abode of one individual Persian, such conduct and action will naturally be observed, as, according to what is set forth in Article XIV, shall be consistent with the system which, in like cases, is practised in respect of other foreign subjects.

(No signature indicated.)

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**BRITISH PROCLAMATION, respecting the Alteration of Her Majesty's Style and Titles. [“Empress of India.”]—Windsor, April 28, 1876.**

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BY THE QUEEN.—A PROCLAMATION.  
VICTORIA, R.

WHEREAS an Act has been passed in the present Session of Parliament, intituled “An Act to enable Her Most Gracious

Majesty to make an Addition to the Royal Style and Titles appertaining to the Imperial Crown of the United Kingdom and its Dependencies,"\* which Act recites that, by the Act for the union of Great Britain and Ireland, it was provided that after such union the Royal style and titles appertaining to the Imperial Crown of the United Kingdom and its Dependencies should be such as His Majesty by His Royal Proclamation under the Great Seal of the United Kingdom should be pleased to appoint: and which Act also recites that, by virtue of the said Act, and of a Royal Proclamation under the Great Seal, dated the 1st day of January, 1801, our present style and titles are "Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith:" and which Act also recites that, by the Act for the better government of India, it was enacted that the government of India, theretofore vested in the East India Company in trust for us, should become vested in us, and that India should thenceforth be governed by us and in our name, and that it is expedient that there should be a recognition of the transfer of government so made by means of an addition to be made to our style and titles: and which Act, after the said recitals, enacts that it shall be lawful for us, with a view to such recognition as aforesaid of the transfer of the government of India, by our Royal Proclamation under the Great Seal of the United Kingdom to make such addition to the style and titles at present appertaining to the Imperial Crown of the United Kingdom and its Dependencies as to us may seem meet; we have thought fit, by and with the advice of our Privy Council, to appoint and declare, and we do hereby, by and with the said advice, appoint and declare that henceforth, so far as conveniently may be, on all occasions and in all instruments wherein our style and titles are used, save and except all charters, commissions, letters patent, grants, writs, appointments, and other like instruments, not extending in their operation beyond the United Kingdom, the following addition shall be made to the style and titles at present appertaining to the Imperial Crown of the United Kingdom and its Dependencies: that is to say, in the Latin tongue in these words: "Indiæ Imperatrix;" and in the English tongue in these words: "Empress of India."

And our will and pleasure further is, that the said addition shall not be made in the commissions, charters, letters patent, grants, writs, appointments, and other like instruments, hereinbefore specially excepted.

And our will and pleasure further is, that all gold, silver, and copper moneys, now current and lawful moneys of the United

Kingdom, and all gold, silver, and copper moneys which shall, on or after this day, be coined by our authority with the like impressions, shall, notwithstanding such addition to our style and titles, be deemed and taken to be current and lawful moneys of the said United Kingdom; and further that all moneys coined for and issued in any of the Dependencies of the said United Kingdom, and declared by our Proclamation to be current and lawful money of such Dependencies, respectively bearing our style or titles, or any part or parts thereof, and all moneys which shall hereafter be coined and issued according to such Proclamation, shall, notwithstanding such addition, continue to be lawful and current money of such Dependencies respectively, until our pleasure shall be further declared thereupon.

Given at our Court at Windsor, the 28th day of April, 1876, in the 39th year of our reign.

God save the Queen.

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*ARRANGEMENT between Austria-Hungary, Belgium, Egypt, France, Germany, Great Britain, India, Italy, Netherlands, Spain, and Sweden and Norway, respecting the Entry of British India and the French Colonies into the Postal Union.*  
—Berne, January 27, 1876.

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L'ADMINISTRATION des Postes de l'Inde Britannique ayant fait connaître, conformément à l'Article XVII du Traité concernant la création d'une Union Générale des Postes, conclu à Berne le 9 Octobre, 1874,\* son intention d'entrer dans l'Union Générale des Postes, et le Gouvernement Français ayant fait une Déclaration semblable au nom de ses Colonies;

Les Délégués soussignés ont arrêté, sauf approbation, les dispositions suivantes :—

ART. 1. L'Inde Britannique et les Colonies Françaises accèdent aux stipulations du Traité concernant la création d'une Union Générale des Postes, conclu à Berne le 9 Octobre, 1874, ainsi qu'aux dispositions du règlement de détail et d'ordre arrêté pour l'exécution du dit Traité.

2. Les correspondances originaires de l'un des pays mentionnés à l'Article I, à destination d'un autre pays de l'Union, et *vice versa*, seront soumises aux taxes de l'Union adoptées par chacune des Administrations en vertu des alinéas 1, 2, 3, 4, et 5 de

\* Vol. LXV. Page 13.

l'Article III et des alinéas 1, 2, et 3 de l'Article IV du Traité de Berne du 9 Octobre, 1874.

Chaque Administration aura la faculté d'ajouter à ces taxes, à titre de port maritime, une surtaxe qui ne pourra pas dépasser les *maxima* fixés par les Articles III, 2<sup>e</sup> alinéa, et IV, 2<sup>e</sup> alinéa, du Traité de Berne pour les envois affranchis.

Toutefois, lorsque la conversion des taxes dans la monnaie nationale fera ressortir des fractions, ces fractions pourront être forcées jusqu'à l'unité.

Il est expressément entendu que la surtaxe maritime ne sera perçue qu'une fois, alors même que plusieurs services maritimes participeraient au transport.

3. Du chef du transport maritime des correspondances mentionnées à l'Article 2 précédent, l'Administration expéditrice paiera à l'Administration ou aux Administrations qui pourvoient à ce transport une bonification :

(1.) De 25 francs par kilogramme, poids net, de lettres et de cartes-correspondance, et

(2.) De 1 franc par kilogramme, poids net, d'objets désignés à l'Article IV du Traité conclu à Berne le 9 Octobre, 1874.

Lorsque le transport maritime sera effectué par deux ou par plusieurs Administrations, la bonification en sera répartie entre elles sur la base des distances parcourues, sans préjudice aux arrangements différents qui pourraient intervenir entre les Administrations intéressées.

Toutefois, aucune bonification ne sera due pour les transports maritimes n'excédant pas 300,000 marins.

4. Les correspondances qui, en vertu de l'alinéa final de l'Article X du Traité de Berne du 9 Octobre, 1874, auront à supporter des frais de transport extraordinaires, pourront être frappées d'une surtaxe en rapport avec ces frais.

5. Par rapport aux dispositions de l'Article XXVII du Règlement joint au Traité de Berne, concernant la répartition des frais du Bureau International de l'Union Générale des Postes, il est convenu que l'Inde fera partie de la 1<sup>re</sup> classe et l'ensemble des Colonies Françaises de la 3<sup>me</sup> classe prévues par cet Article.

6. Le présent Arrangement sera mis à exécution à partir du 1<sup>er</sup> Juillet, 1876.

Fait et signé à Berne, en 14 expéditions, le 27 Janvier, 1876.

GUNTHER, *pour l'Administration des Postes de l'Allemagne.*

DEWÉZ, *pour l'Administration des Postes de l'Autriche.*

EUGÈNE BOREL, *pour l'Administration des Postes de l'Égypte.*

J. DE HOYOS, VTE. DE MANZANERA,  
*pour l'Administration des Postes de l'Espagne.*  
 ANSAULT, *pour l'Administration des Postes de*  
*la France.*

E. ROY, *pour le Ministère de la Marine et des*  
*Colonies de France, au nom des Colonies Fran-*  
*çaises.*

ALAN MACLEAN, *pour l'Administration des*  
*Postes de la Grande Bretagne.*

HEIM, *pour l'Administration des Postes de la*  
*Hongrie.*

FASSIAUX, } *pour l'Administration des Postes*  
 GIFE, } *de la Belgique.*

ALAN MACLEAN, *pour l'Administration des*  
*Postes de l'Inde Britannique.*

TANTESIO, *pour l'Administration des Postes de*  
*l'Italie.*

HOFSTEDE, *pour l'Administration des Postes*  
*des Pays-Bas.*

M. BJORNSTJERNA, *pour les Administrations*  
*des Postes de la Suède et de la Norvège.*

**BRITISH ORDER IN COUNCIL**, *for the Apprehension and*  
*Delivering up of Seamen Deserters from the Merchant-Vessels*  
*of Greece in the British Dominions.\*— Windsor, February 12;*  
 1876.

At the Court at Windsor, the 12th day of February, 1876.

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by the "Foreign Deserters Act, 1852" [cap. 26],† it is provided that whenever it is made to appear to Her Majesty that due facilities are or will be given for recovering or apprehending seamen who desert from British merchant-ships in the territories of any foreign Power, Her Majesty may, by Order in Council, stating that such facilities are or will be given, declare that seamen not being slaves who desert from merchant-ships belonging to such Power when within Her Majesty's dominions shall be liable to be apprehended and carried on board their respective ships, and may limit the operation of such Order, and may render the operation

\* "London Gazette," February 15, 1876.

† Vol. XLI. Page 680.



thereof subject to such conditions and qualifications, if any, as may be deemed expedient:

And whereas it has been made to appear to Her Majesty that due facilities are given for recovering and apprehending seamen who desert from British merchant-ships in the territories of His Majesty the King of the Hellenes:

Now therefore Her Majesty, by virtue of the powers vested in her by the said "Foreign Deserters Act, 1852," and by and with the advice of her Privy Council, is pleased to order and declare, and it is hereby ordered and declared, that from and after the publication hereof in the "London Gazette," seamen, not being slaves and not being British subjects, who, within Her Majesty's dominions, desert from merchant-ships belonging to the Kingdom of Greece, shall be liable to be apprehended and carried on board their respective ships:

Provided always, that if any such deserter has committed any crime in Her Majesty's dominions he may be detained until he has been tried by a competent Court, and until his sentence (if any) has been fully carried into effect.

And the Secretaries of State for India in Council, the Home Department, and the Colonies, are to give the necessary directions herein accordingly.

C. L. PEEL.

***BRITISH ORDER IN COUNCIL, for the Apprehension and Delivering up of Seamen Deserters from the Merchant-Vessels of Tunis in the British Dominions.\*—Windsor, May 17, 1876.***

At the Court at Windsor, the 17th day of May, 1876.

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by the "Foreign Deserters Act, 1852" [cap. 26],† it is provided that whenever it is made to appear to Her Majesty that due facilities are or will be given for recovering or apprehending seamen who desert from British merchant-ships in the territories of any foreign Power, Her Majesty may, by Order in Council, stating that such facilities are or will be given, declare that seamen not being slaves who desert from merchant-ships belonging to such Power when within Her Majesty's dominions shall be liable to be apprehended and carried on board their respective ships, and may limit the operation of such Order, and may

\* "London Gazette," May 23, 1876.

† Vol. XLI. Page 680.

render the operation thereof subject to such conditions and qualifications, if any, as may be deemed expedient:

And whereas it has been made to appear to Her Majesty\* that due facilities are given for recovering and apprehending seamen who desert from British merchant-ships in the territories of His Most Serene Highness Mohammed Essadock Bey, Lord of the Regency of Tunis:

Now therefore Her Majesty, by virtue of the powers vested in her by the said "Foreign Deserters Act, 1852," and by and with the advice of her Privy Council, is pleased to order and declare, and it is hereby ordered and declared, that from and after the publication hereof in the "London Gazette," seamen, not being slaves and not being British subjects, who, within Her Majesty's dominions, desert from merchant-ships belonging to the Regency of Tunis, shall be liable to be apprehended and carried on board their respective ships:

Provided always, that if any such deserter has committed any crime in Her Majesty's dominions he may be detained until he has been tried by a competent Court, and until his sentence (if any) has been fully carried into effect.

And the Secretaries of State for India in Council, the Home Department, and the Colonies, are to give the necessary directions herein accordingly.

C. L. PEEL.

*BRITISH ORDER IN COUNCIL, for the Apprehension and Delivering up of Seamen Deserters from the Merchant-Vessels of the Hawaiian Islands in the British Dominions.†—Balmoral, October 23, 1876.*

At the Court at Balmoral, the 23rd day of October, 1876.

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by "The Foreign Deserters Act, 1852" [cap. 26],‡ it is provided that whenever it is made to appear to Her Majesty that due facilities are or will be given for recovering or apprehending seamen who desert from British merchant-ships in the territories of any foreign Power, Her Majesty may, by Order in Council, stating that such facilities are or will be given, declare that seamen, not being slaves, who desert from merchant-ships belonging to such

\* See Article XXXII of Treaty of 19th July, 1875. Vol. LXVI. Page 93.

† "London Gazette," October 27, 1876.

‡ Vol. XLI. Page 680.

Power, when within Her Majesty's dominions, shall be liable to be apprehended and carried on board their respective ships, and may limit the operation of such Order, and may render the operation thereof subject to such conditions and qualifications, if any, as may be deemed expedient :

And whereas it has been made to appear to Her Majesty that due facilities are given for recovering and apprehending seamen who desert from British merchant-ships in the territories of His Majesty the King of Hawaii :

Now therefore Her Majesty, by virtue of the powers vested in her by the said "Foreign Deserters Act, 1852," and by and with the advice of her Privy Council, is pleased to order and declare, and it is hereby ordered and declared, that from and after the publication hereof in the "London Gazette," seamen, not being slaves and not being British subjects, who, within Her Majesty's dominions, desert from merchant-ships belonging to the Kingdom of Hawaii, shall be liable to be apprehended and carried on board their respective ships :

Provided always, that if any such deserter has committed any crime in Her Majesty's dominions he may be detained until he has been tried by a competent Court, and until his sentence (if any) has been fully carried into effect.

And the Secretaries of State for India in Council, the Home Department, and the Colonies, are to give the necessary directions herein accordingly.

C. L. PEEL.

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*BRITISH LETTERS PATENT, appointing the Governor of the Colony of the Cape of Good Hope to be Governor of the Island of Ichaboe and the Penguin Islands, and authorizing the Annexation of the aforesaid Islands to that Colony.—Westminster, February 27, 1867.*

VICTORIA, by the grace of God, of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, to all to whom these presents shall come, greeting :

Whereas the Island of Ichaboe, on the south-west coast of South Africa, was on the 21st day of June, 1861, duly taken possession of for us and on our behalf ;

And whereas on the 5th day of May, 1866, certain other islands, islets, and rocks on the said south-west coast of South Africa, that is to say, Hollandsbird, Mercury, Long Island, Seal Island, Penguin

Island, Halifax Possession, Albatross Rock, Pomona, Plum-pudding and Roast Beef or Sinclair's Island, which said islands, islets, and rocks are hereinafter called the Penguin Islands, were also duly taken possession of for us and on our behalf;

And whereas, by Proclamation, dated the 16th day of July, 1866, by his Excellency Sir Philip Edmund Wodehouse, Governor and Commander-in-chief of our Colony of the Cape of Good Hope, and of the territories and dependencies thereon and Vice-Admiral of the same, the said Island of Ichaboe and the said Penguin Islands were declared to be annexed to, and to form part of, the said Colony of the Cape of Good Hope;

And whereas doubts are entertained touching the legality of the said annexation of the said Island of Ichaboe and the said Penguin Islands by Proclamation, and it is expedient that such doubts should be removed;

And whereas it is further expedient that the said Island of Ichaboe and the said Penguin Islands should be annexed to, and form part of, the said Colony of the Cape of Good Hope, if the Legislative Council and House of Assembly thereof should desire such annexation;

And whereas it is expedient that, until such annexation, the affairs of the said Island of Ichaboe and of the said Penguin Islands should be administered by a Governor, to be for that purpose appointed by us;

Now know ye, that in consideration of the premises, we, of our special grace, mere motion, and certain knowledge, have thought fit to constitute and appoint, and by these presents do constitute and appoint, the Governor and Commander-in-chief for the time being of our said Colony of the Cape of Good Hope to be the Governor of the said Island of Ichaboe and Penguin Islands, and we do hereby invest in him all the powers and authorities which by these presents are given and granted to the Governor for the time being of the said Island of Ichaboe and Penguin Islands.

And we do hereby further declare our pleasure to be, that in the event of the death or incapacity of the said Governor and Commander-in-chief of the said Colony of the Cape of Good Hope, or, in the event of his absenting himself from the said Colony otherwise than for the purpose of visiting the said Island of Ichaboe or the said Penguin Islands, then and in either of these cases the officer for the time being who may be administering the Government of the said Colony of the Cape of Good Hope shall be and he is hereby constituted and appointed Governor for the time being of the said Island of Ichaboe and Penguin Islands.

And we do hereby further authorize and empower the said Governor of the said Island of Ichaboe and the Penguin Islands to

make all such rules and regulations as may lawfully be made by our authority for the order, peace, and good government of the said Island of Ichaboe and Penguin Islands, subject, nevertheless, to any instructions which may from time to time be hereafter given him under our sign manual and signet, or through one of our Principal Secretaries of State.

And we do hereby further authorize and empower the said Governor of the said Island of Ichaboe and Penguin Islands, so long as he shall be Governor thereof, by any instrument under his hand and seal, to make leases and other dispositions for a term or terms of years, of any of the said Islands of Ichaboe or Penguin Islands, as aforesaid, or any part or parts thereof, and to issue licences authorizing the person or persons designated therein to take guano or other fertilising substances or produce from the said Islands of Ichaboe or Penguin Islands, or any of them, and to insert in such leases, dispositions, or licences, as the case may be, all such reservations by way of rent, or royalty, or otherwise, and all such conditions, exceptions, and stipulations as may to him seem advisable: Provided always that, in the execution of the powers hereby conferred on him, he shall conform to such instructions as he may from time to time receive from us, under our sign manual and signet, or through one of our Principal Secretaries of State.

And we do hereby further authorize and empower the said Governor, as he may deem expedient, under his hand and seal, to confirm any grant, disposition, lease or licence, which may have been made or issued before the date of these presents, to any person or persons in respect of the said Island of Ichaboe or the said Penguin Islands, or any of them, or any part thereof, by any Governor of the said Colony of the Cape of Good Hope, or to accept a surrender of any such grant, disposition, lease, or licence, and to make and issue any new disposition, lease, or licence to the persons surrendering the same, or their nominees, under the powers and in the manner hereinbefore declared.

And we do hereby further declare our pleasure to be that if at any time hereafter the Legislative Council and House of Assembly of the said Colony of the Cape of Good Hope shall, by resolution or otherwise, request the said Governor of the said Island of Ichaboe and Penguin Islands to transfer the same to the said Colony of the Cape of Good Hope, for the purpose of their being annexed to and forming part of the said Colony, and shall by law provide that upon such transfer and annexation all laws which may be in force in the said Colony on the day on which the said Island of Ichaboe and Penguin Islands shall be annexed thereto shall immediately upon such annexation take effect and be in force in and upon the said islands so annexed, then the said Governor shall, and he is hereby

authorized and empowered to transfer to the said Colony the said Island of Ichaboe and the said Penguin Islands, and from and after the date of such transfer the said islands so transferred shall be deemed and taken to be, and shall be, annexed to and form part of the said Colony of the Cape of Good Hope.

And we further declare our pleasure to be that the said Governor of the said Island of Ichaboe and Penguin Islands shall declare by Proclamation the said transfer, and from and after the date of such Proclamation these presents shall cease and be of none effect so far as relates to the appointment of a Governor of the said Islands of Ichaboe and Penguin Islands and his powers thereunder, but not further or otherwise, and not so as to affect any instruments, acts, matters, or things made or done by him while such Governor as aforesaid, in pursuance of the powers hereby conferred on him.

And we do hereby reserve to us, our heirs and successors, full power and authority from time to time to revoke, alter, or amend these our Letters Patent, as to us or them shall seem meet.

In witness whereof we have caused these our Letters to be made Patent. Witness ourself at Westminster, the 27th day of February, in the 30th year of our reign.

By warrant under the Queen's sign manual.

C. ROMILLY.

*ACT of the Cape of Good Hope, to repeal "The Annexation of Ichaboe and Penguin Islands Act, 1873," and to make other provisions in lieu thereof.*

[No. 4.] — [Assented to July 6, 1874.]

WHEREAS the Island of Ichaboe, on the south-west coast of South Africa, was, on the 21st day of June, 1861, duly taken possession of for and on behalf of Her Majesty Queen Victoria: And whereas, on the 5th day of May, 1866, certain other islands, islets, and rocks on the said coast, viz., Hollandsbird, Mercury, Long Island, Seal Island, Penguin Island, Halifax Possession, Albatross Rock, Pomona, and Plum-pudding and Roast Beef, or Sinclair's Island, hereinafter called the Penguin Islands, were also duly taken possession of for and on behalf of Her said Majesty: And whereas, by a Proclamation dated the 16th day of July, 1866, by his Excellency Sir Philip Edmund Wodehouse, the then Governor of this Colony, the said Island of Ichaboe and the said Penguin Islands were declared to be annexed to and to form part of this Colony: And whereas doubts having been entertained touching the legality of the said annexation by the said Proclamation, Her said Majesty, by Her

Letters Patent dated the 27th day of February, 1867,\* after reciting (amongst other things the said doubts) that it was expedient that the same should be removed, and that the said islands should be annexed to and form part of this Colony, if the Legislative Council and House of Assembly thereof should desire such annexation, and that until such annexation the affairs of the said islands should be administered by a Governor, to be for that purpose appointed by Her said Majesty, did constitute and appoint the Governor and Commander-in-chief for the time being of this Colony to be the Governor of the said islands, with certain powers therein mentioned, and did declare her pleasure to be that if at any time thereafter the said Legislative Council and House of Assembly should by resolution or otherwise request the said Governor of the said islands to transfer the same to this Colony for the purpose of their being annexed to and forming part thereof, and should by law provide that upon such transfer and annexation all laws which might be in force in this Colony on the day on which the said islands should be annexed thereto should immediately upon such annexation take effect and be in force in and upon the said islands so annexed, the said Governor should and was thereby authorized and empowered to transfer to this Colony the said islands, and from and after the date of such transfer the said islands so transferred should be deemed and taken to be, and should be, annexed to and form part of this Colony: And whereas it is expedient that the said islands shall be annexed to and form part of this Colony, and that, for the purpose of enabling the said annexation to be carried out according to the said Letters Patent, the said "Annexation of Ichaboe and Penguin Islands Act, 1873," which was passed in ignorance of the said doubts and of the said Letters Patent, should be repealed: Be it enacted by the Governor of the Cape of Good Hope, with the advice and consent of the Legislative Council and House of Assembly thereof, as follows:—

1. "The Annexation of Ichaboe and Penguin Islands Act, 1873," is hereby repealed.

2. Upon the transfer and annexation of the said Island of Ichaboe and the said Penguin Islands to this Colony, all laws which may then be in force in this Colony shall immediately upon such annexation take effect and be in force in and upon the said islands so annexed.

3. This Act may for all purposes be cited as "The Ichaboe and Penguin Islands Act, 1874."

*ACT of the Cape of Good Hope, to exempt temporarily the Island of Ichaboe and Penguin Islands from the operation of the Customs Laws of that Colony.*

[No. 5.]

— [Assented to July 6, 1874.]

WHEREAS in case of the annexation of the Island of Ichaboe and certain other islands, islets, and rocks following, and hereafter called the Penguin Islands, to wit: Hollandsbird, Mercury, Long Island, Seal Island, Penguin Island, Halifax Possession, Albatross Rock, Pomona, and Plum-pudding and Roast Beef, or Sinclair's Island, it is expedient that the Customs Laws of this Colony should not at present be in force therein: Be it enacted by the Governor of the Cape of Good Hope, with the advice and consent of the Legislative Council and House of Assembly thereof, as follows:—

1. Notwithstanding that the said Island of Ichaboe and the said Penguin Islands may be annexed to this Colony, the said islands shall, for the purposes of the laws relating to the Customs of this Colony, be deemed to be foreign ports respectively until the Parliament shall otherwise determine.

2. This Act may for all purposes be cited as "The Ichaboe and Penguin Islands Customs Act, 1874."

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*ACT of the Cape of Good Hope, to further facilitate the Apprehension of certain Persons who have committed Crimes in the Colony of Natal, in the Province of Griqualand West, in the Orange Free State, or in the South African Republic.*

[No. 29.]

— [Assented to July 31, 1874.]

WHEREAS it is expedient in the interests of justice that further provision should be made for the extradition of criminals or accused persons who may have committed offences in the Colony of Natal, in the Province of Griqualand West, in the Orange Free State, or in the South African Republic, and who may have sought refuge in or who may be within this Colony: And whereas by Ordinance No. 4 of 1874, of the Province of Griqualand West, sufficient provision has been made in that Province as to criminals and accused persons who have committed offences in this Colony, and who may be within the said Province: Be it enacted by the Governor of the Cape of Good Hope, with the advice and consent of the Legislative Council and House of Assembly, as follows:—

1. It shall be lawful for all judges, resident magistrates, and justices of the peace within this Colony to countersign all warrants



for the apprehension or recapture of any criminals or accused persons which may have been issued by any judge or resident magistrate within the Colony of Natal, the Province of Griqualand West, the Orange Free State, or the South African Republic, and also to do or cause to be done all things necessary to effect or assist in the apprehension or recapture of any such criminals or accused persons, and for their detention and transmission in safe custody from this Colony to any prison within the said Colony of Natal, the said Province of Griqualand West, the Orange Free State, or the South African Republic, wherein such criminals or accused persons may be lawfully detained pending trial, and any warrant countersigned as aforesaid shall have the same force and effect in this Colony to all intents and purposes as if such warrant had been issued by the judge, resident magistrate, or justice of the peace countersigning the same.

2. This Act shall commence and take effect as to the Colony of Natal when and so soon as the Governor shall, by Proclamation under his hand and the public seal of the Colony, declare and proclaim that the Legislature of the said Colony of Natal has made provision by law, similar to what is herein contained, for the extradition of criminals or accused persons charged with having committed offences in this Colony, and who may be within the said Colony of Natal; and shall commence and take effect as to the Orange Free State when and so soon as the Governor shall, by Proclamation as aforesaid, declare and proclaim that the Legislature of the said Orange Free State has made provision by law, similar to what is herein contained, for the extradition of criminals or accused persons charged with having committed offences in this Colony, and who may be within the said Orange Free State, and shall commence and take effect as to the South African Republic when and so soon as the Governor shall, by Proclamation as aforesaid, declare and proclaim that the Legislature of the said South African Republic has made provision by law, similar to what is herein contained, for the extradition of criminals or accused persons charged with having committed offences in this Colony, and who may be within the said South African Republic: Provided that in and by any such Proclamation as aforesaid which may be issued as to the said Orange Free State or South African Republic, it shall be lawful for the Governor to declare and proclaim that "The Extradition of Criminals Act, 1872," if in force as to the country to which such Proclamation relates, shall cease to be in force therein, and thereupon the said last-mentioned Act shall cease to be in force in such country accordingly.

8. This Act may be cited for all purposes as "The Intercolonial Extradition Act, 1874."

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*BRITISH LETTERS PATENT, for the Annexation of certain Territories, known as Fingoland, the Idutywa Reserve, and as Nomansland, to the Colony of the Cape of Good Hope.— Westminster, June 12, 1876.*

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VICTORIA, by the grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, Empress of India: To all to whom these presents shall come, greeting.

Whereas it is expedient that certain territories, commonly known as Fingoland and the Idutywa Reserve, and as Nomansland, should be annexed to and form part of our Colony of the Cape of Good Hope: And whereas the Legislative Council and House of Assembly of our said Colony have expressed their desire for such annexation, and have passed the following joint Resolution, bearing date the 11th day of June, 1875, in the 38th year of our reign:— “That in the opinion of this House it is expedient that the country situated between the Bashee and the Kei, known as Fingoland, and the Idutywa Reserve, and the country situated between the Umtata and the Umzimkulu, commonly known as Nomansland, should be annexed to this Colony, and that the Government take such preliminary steps as may place it in a position to introduce a Bill to effect such annexation. Now we do, by these our Letters Patent, under the Great Seal of our United Kingdom of Great Britain and Ireland, authorize our Governor for the time being of our said Colony of the Cape of Good Hope, by Proclamation under his hand and the public seal of the said Colony, to declare that, from and after a day to be therein mentioned, the said territories, or so much thereof as to him, after due consideration and consultation with his Ministers, shall seem fit, shall be annexed to and form part of our said Colony.

2. And we do hereby authorize and direct our said Governor to determine, and by Proclamation to signify, the limits of the said territories so annexed: Provided always that he, our said Governor, issues no such Proclamation as aforesaid until the Legislature of our said Colony of the Cape of Good Hope shall have passed a law providing that the said territories shall, on the day aforesaid, become part of our said Colony, and subject to the laws in force therein: Provided also, that the application of the said laws to the said territories may be modified either by such Proclamation as aforesaid, or by any law or laws to be from time to time passed by the Legislature of our said Colony for the government of the said territories so annexed.

3. And we do hereby reserve to us, our heirs and successors, full power and authority, from time to time, to revoke, alter, or amend these our Letters Patent as to us or them shall seem meet.

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4. And we do further direct and enjoin that these our Letters Patent shall be read and proclaimed at such place or places as our said Governor shall think fit within our said Colony of the Cape of Good Hope.

In witness whereof we have caused these our Letters to be made Patent. Witness ourself at Westminster, the 12th day of June, in the 39th year of our reign.

By warrant under the Queen's sign-manual.

C. ROMILLY.

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*DETAILED REGULATIONS arranged between the Post Office of the United Kingdom of Great Britain and Ireland and the Post Office of Belgium, for the Execution of the Convention of February 17, 1876.\*—Signed at <sup>London, July 10,</sup>  
<sup>Brussels, July 17,</sup> 1876.†*

THE Postmaster-General of the United Kingdom of Great Britain and Ireland on the one part, and the Director-General of the Posts and Telegraphs of Belgium on the other part,—

With reference to Article XVI of the Postal Convention concluded between Belgium and the United Kingdom of Great Britain and Ireland, have agreed upon the following conditions, which shall be considered as additional to the Detailed Regulations signed at Berne on the 9th October, 1874.‡

ART. 1. The relations between the Belgian offices of exchange and the British offices of exchange shall be established in conformity to the Tables A and B which are annexed to the present arrangement, and which shall also serve as a guide for the transmission of the correspondence.

2. Post-cards must have the communications written on the reverse side to that reserved for the address.

They must neither be enclosed in envelopes nor be sealed up, nor have any articles attached to them other than postage-stamps.

3. It is understood that prospectuses, notices of different kinds, &c., may be despatched without band or envelope, and without being folded when the consistency of the paper admits of it.

4. It is agreed that the obligation of marking the number of rates levied or to be levied on articles chargeable with more than a single rate applies to the Belgian or British despatching offices of exchange in regard to the correspondence from or for the foreign countries not comprised in the Postal Union.

\* Page 19.

† ‡ Signed also in the French language.

‡ Vol. LXV. Page 23.

5. When the postage-stamps affixed to a letter from Belgium, or from the United Kingdom, despatched through the medium of one of the two offices, addressed to a country foreign to the Union, shall represent a sum less than that due for its prepayment, such letter shall be considered as unpaid and treated accordingly; but that one of the two Administrations which shall have sold the stamps uselessly employed by the sender shall be held liable, in case of application, to the reimbursement of the value of the stamps, either to the sender or to the addressee, as the case may be.

As regards the correspondence from countries beyond sea not comprised in the General Postal Union, which shall be delivered as unpaid by the British office to the Belgian office, and which shall have been partially prepaid in British postage-stamps, the value of such stamps shall be deducted from the amount to be credited to the British office in conformity to the tariff of foreign rates due to that office.

As to the correspondence from countries beyond sea before mentioned, which shall have been prepaid uselessly by the postage-stamps of the foreign country of origin, that one of the two offices which shall have delivered such correspondence to the other shall lend its aid to the latter, if possible, for the purpose of obtaining the reimbursement to the addressees of the value of the stamps in whole or in part. Applications for the refunding of the value of postage-stamps uselessly employed must be made, accompanied by vouchers, within six months from the date of sending the insufficiently prepaid letters; otherwise they will be void.

6. When the writers of letters for the colonies and countries beyond sea, which the two offices reciprocally exchange for subsequent despatch from their respective ports, wish them to be conveyed by private ships sailing from such ports, their intentions shall be signified on the address by the words, "*Bâtiment du Commerce*," or "*By Private Ship*."

Failing such indications, the letters for the colonies and countries beyond sea without distinction, which the two offices mutually exchange, shall be forwarded by means of the regular mail-packets.

7. The offices of exchange shall divide into separate packets, each distinguished by a special label, the different classes of correspondence composing the mails.

8. The entry of the registered articles on the registered list shall comprise the name of the office of origin, the name of the addressee, and the place of destination. This list shall be prepared on a separate form, which shall be enclosed in the packet of registered articles. The packet shall be made up as follows:—

The registered articles and the registered list shall be fastened together by a cross-string, and placed in a canvas bag, which shall be

strongly fastened at the neck by a string, the two ends of which shall be sealed with a seal of wax or gummed paper.

The number of registered articles entered on the registered lists shall be written in full in the place provided for the purpose at the foot of the letter bill.

In the event of there being no registered article to despatch, a blank registered list shall be sent, inclosed in the usual canvas bag.

9. In case, at the hours fixed for the despatch of mails, one of the exchanging offices of the Administrations of the two countries shall have no letter or other article to send to the corresponding office, the former office shall, nevertheless, make up, in the ordinary manner, a mail which shall contain a blank letter bill.

10. In levying the additional charge applicable to correspondence in general insufficiently prepaid by means of postage-stamps, the unit of money to be adopted as the limit of raising the fractions is fixed at 5 centimes in Belgium and at a halfpenny in the United Kingdom.

11. The following regulations shall be observed for the application of Article VII of the Treaty of Berne, of the 9th October, 1874,\* concerning correspondence redirected on account of the addressees having changed their residence:—

(1.) Correspondence originating in Belgium or in the United Kingdom, and in the first instance addressed to a place within the country of origin, which shall have been properly prepaid for the inland service, shall be charged in the country to which it is redirected (according to its class) with a tax equal to the prepaid rate of the inland service of the latter country.

In the case of non-prepayment or of insufficient prepayment for the inland service, such correspondence shall be treated as if it had been addressed direct from the country of origin to the country to which it is redirected.

(2.) Correspondence originating in Belgium, and in the first instance addressed to the United Kingdom, and, reciprocally, correspondence originating in the United Kingdom, and in the first instance addressed to Belgium, which shall be redirected to the country of origin, shall not be subjected to any fresh tax if it shall have been properly prepaid for the first service.

In case of non-prepayment or of insufficient prepayment, such correspondence shall be subjected to the international charge leviable on unpaid letters, or the deficient amount of such charge.

(3.) Correspondence fully prepaid, unpaid, or insufficiently prepaid, originating in any other country of the Union, which shall be redirected from Belgium to the United Kingdom, or from the United

Kingdom to Belgium, shall be considered in the country of its last destination as having arrived direct from the country of origin, and treated accordingly.

The several classes of redirected correspondence above mentioned shall pass from office to office without forming any account.

(4.) Correspondence originating in countries situated beyond the Union, or having circulated in those countries, and charged with foreign postage, shall be exchanged subject to the payment of such charge.

The office of the new destination shall add to it the international charge for unpaid letters, or, in the case of newspapers, printed papers, patterns of merchandise, or legal and commercial documents, the postage payable in that country on articles of the same class addressed to countries of the Union.

When necessary, the different taxes mentioned above may be raised in conformity to Article 10 of the present Regulations.

12. The claims raised on undelivered letters returned from one office to another shall be allowed to the credit of the office returning them only when the state of the seals shall not give rise to the supposition that the letters have been read by the addressees.

13. For the execution of the present arrangement, and in virtue of Section 10 of Article 6 of the Detailed Regulations for the execution of the Treaty of Berne, the forms A, D, and E, established by the said Regulations shall be modified in conformity to the specimens C to J hereto annexed; namely:

The letter bill A. . . . .	{ In conformity to specimens }	C and D.
Table IV of the letter bill prepared on a separate sheet		
The monthly statement D . . . . .	{ „ }	E and F.
The monthly account E . . . . .		
	{ „ }	G and H.
	{ „ }	I and J.

14. The present Regulations shall have the same duration as the Convention concluded on the 17th February, 1876.

Done in duplicate, and signed in London on the 10th day and in Brussels on the 17th day of July, 1876.

(L.S.) JOHN MANNERS.

(L.S.) J. VINCHENT.

A.—TABLE showing the manner in which shall be forwarded the Correspondence originating in GREAT BRITAIN addressed to BELGIUM.

Number.	Despatching Offices.	To what Offices addressed.	Time of Despatch.	Correspondence to be forwarded in each Mail.
1	Dover	Ostend (local)	10.45 P.M.	Offices of Eerneghem, Ghisteltes, Jabbeke, Nieuport, Ostend, and Plasschendaels.
2	"	"	9.35 A.M.	Offices of Eerneghem, Furnes, Ghisteltes, Jabbeke, Nieuport, Ostend, and Plasschendaels.
3	"	Travelling office from Ostend to Brussels.	10.45 P.M.	Belgium (with the exception of the correspondence to be comprised in Mail No. 1) and the foreign countries to which Belgium serves as the route.
4	"	"	9.35 A.M.	Belgium (with the exception of the correspondence to be comprised in Mail No. 2) and the foreign countries to which Belgium serves as the route.
5	London	Ostend (local)	8.45 P.M.	As Mail No. 1.
6	"	"	7.40 A.M.	As Mail No. 2.
7	"	Travelling office from Ostend to Brussels.	8.45 P.M.	Belgium (with the exception of the correspondence to be comprised in Mail No. 6) and the foreign countries to which Belgium serves as the route.
8	"	"	7.40 A.M.	Belgium (with the exception of the correspondence to be comprised in Mail No. 6) and the foreign countries to which Belgium serves as the route.
9	"	Tourney	7.40 A.M. 8.45 P.M.	
10	"	Travelling office from Tourney to Jurbise		

\* This route is only employed when desired by the sender, or when it offers an acceleration.

B.—TABLE showing the manner in which shall be forwarded the Correspondence originating in BELGIUM addressed to GREAT BRITAIN.

Number.	Despatching Offices.	To what Offices addressed.	Time of Despatch.	Correspondence to be forwarded in each Mail.
1	Ostend (local)	Dover	10.5 A.M. from Ostend.	For Dover, Folkestone.
2	"	"	8.0 P.M. from Ostend.	
3	"	London	10.5 A.M. from Ostend.	For Great Britain and Ireland (with the exception of the places mentioned above), and for countries and colonies beyond sea.
4	"	"	8.0 P.M. from Ostend.	
5	Travelling office from Brussels to Ostend.	Dover	8.0 P.M. from Ostend.	As Mails Nos. 1 and 2.
6	"	London	8.0 P.M. from Ostend.	" Nos. 3 and 4.
7	"	Dover	10.5 A.M. from Ostend.	" Nos. 1 and 2.
8	"	London	10.5 A.M. from Ostend.	" Nos. 3 and 4.
9	Travelling office from Gand to Mouscron.	London } Via Calais* London }	9.13 P.M. from Mouscron.	For the whole of Great Britain and Ireland, and for colonies and countries beyond sea.
10	Travelling office from Brussels to Tournay.		10.5 P.M. from Tournay.	

\* This route is only employed when desired by the sender, or when it offers an acceleration.



## C.—FEUILLE D'AVIS.

Timbre du bureau expéditeur.

Dépêche du bureau d'échange Belge d \_\_\_\_\_  
 pour le bureau d'échange Britannique d \_\_\_\_\_  
 Expédié par la voie d \_\_\_\_\_  
 Départ du \_\_\_\_\_, 187\_\_\_\_, à \_\_\_\_h. \_\_\_\_m. du \_\_\_\_\_.  
 Arrivée le \_\_\_\_\_, 187\_\_\_\_, à \_\_\_\_h. \_\_\_\_m. du \_\_\_\_\_.

## I.—AVOIR DE L'OFFICE D'ÉCHANGE BELGE.

<i>Débours ou Taxes Étrangères.</i>		Frs.	cts.
Correspondances non-affranchies ou insuffisamment affranchies originaires de pays étrangers à l'union à destination de la Grande Bretagne et des pays auxquels la Grande Bretagne sert d'intermédiaire .. ..	1. Lettres .. .. .		
	2. Imprimés de toutes natures (y compris les journaux), papiers d'affaires, et échantillons de marchandises .. .. .		
	3. Lettres ou autres correspondances non-affranchies ré-expédiées. Taxe étrangère à réclamer .. .. .		
Imprimés, échantillons, &c., des pays d'outre-mer reçus par l'intermédiaire de l'office Britannique, et renvoyés à cet office .. .. .	à 1 fr. 80 c. par kilog. ..	gr.	
	à 1 fr. par kilog. .. ..	gr.	

## II.—AVOIR DE L'OFFICE D'ÉCHANGE BRITANNIQUE.

<i>Bonification de Taxes Étrangères.</i>		Frs.	cts.
Correspondances ordinaires affranchies originaires de la Belgique et des pays auxquels la Belgique sert d'intermédiaire à destination des pays d'outre-mer étrangers à l'Union, en transit par la Grande Bretagne .. ..	Art. I. Lettres affranchies :		
	(a.) Ordinaires .. ..		
	(b.) Recommandées .. ..		
	Art. II. Imprimés de toute nature (y compris les journaux), échantillons de marchandises, et papiers d'affaires affranchis pour	Grammes.	
	(a.) La Côte Occidentale de l'Amérique du Sud, voie de Panamá (1 fr. 80 c. par kilogramme) .. ..		
	(b.) La Nouvelle Zélande, la Nouvelle Galle du Sud, et les Iles Sandwich, voie des États Unis (1 fr. 60 c. par kilogramme) .. ..		
	(c.) Autres pays d'outre mer (1 fr. par kilogramme) .. ..		

Nombre des objets recommandés :

L'employé du bureau expéditeur :

L'employé du bureau destinataire :

## III.—DÉPÊCHES CLOSÉS.

Bureau d'origine.	Bureau de destination.	Nombre des dépêches closes.	Observations.
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*Dépêches originaires de l'Étranger.*

Bureau ambulant de Cologne à Verviers	Londres.		
Hamburg .. ..	„		
Bâle.. ..	„		
Olten-Bâle .. ..	„		
Zurich .. ..	„		
Rotterdam-Anvers..	„		
L'Écluse .. ..	„		
Maastricht .. ..	„		
Copenhague .. ..	„		
Fionie .. ..	„		
Jutland .. ..	„		
Korsør-Kiel .. ..	„		
Verone-Ala.. ..	„		
Vienne .. ..	„		
Rotterdam-Anvers..	New York.		

*Dépêches originaires de la Belgique.*

Ostend (ambulant)	New York.		
	Boston.		

## D.—FEUILLE D'AVIS.

(Timbre du bureau expéditeur.) Dépêche du bureau d'échange \_\_\_\_\_ d \_\_\_\_\_  
pour le bureau d'échange \_\_\_\_\_ d \_\_\_\_\_.

□ Départ du \_\_\_\_\_, 187 \_\_\_\_\_, à \_\_\_\_\_ h. \_\_\_\_\_ m. du \_\_\_\_\_.

Arrivée le \_\_\_\_\_, 187 \_\_\_\_\_, à \_\_\_\_\_ h. \_\_\_\_\_ m. du \_\_\_\_\_.

## I.—AVOIR DE L'OFFICE D'ÉCHANGE BRITANNIQUE.

Débours. (Port étranger, taxe des correspondances ré-expédiées.)	Art. I.—Imprimés de toute nature (y compris les journaux), échantillons de marchandises, et papiers d'affaires non-affranchis : (a.) De la Côte Occidentale de l'Amérique du Sud (1 fr. 80 c. par kilogramme) .. .. . (b.) D'autres pays d'outre-mer (1 fr. par kilogramme) .. .. .	Grammes.	
		Frs.	cts.
	Art. II.—Lettres non-affranchies des pays étrangers .. .. .		
	Art. III.—Lettres, &c., mal-dirigées et ré-expédiées .. .. .		

## II.—AVOIR DE L'OFFICE D'ÉCHANGE DESTINATAIRE.

Bonifications. (Taxes, &c.)	{ (a.) Objets ordinaires .. .. . (b.) Objets recommandés .. .. .	Frs. cts.	

Nombre des objets recommandés :

L'employé du bureau expéditeur : L'employé du bureau destinataire :

## III.—DÉPÊCHES CLOSÉS.

Bureau d'origine.	Bureau de destination.	Nombre des dépêches closes.	Observations.

## E.—LISTE NOMINATIVE DES OBJETS RECOMMANDÉS.

Timbre du  
bureau  
expéditeur.Envoyés par le bureau d'échange Belge d \_\_\_\_\_  
au bureau d'échange \_\_\_\_\_ d \_\_\_\_\_

Départ du \_\_\_\_\_, 187\_\_\_\_, à \_\_\_\_ h. \_\_\_\_ m. du \_\_\_\_\_.

Arrivée du \_\_\_\_\_, 187\_\_\_\_, à \_\_\_\_ h. \_\_\_\_ m. du \_\_\_\_\_.

Timbre du  
bureau  
destinataire.

TABLEAU IV.

Nos. d'ordre.	Lieu d'origine.	Nom du desti- nataire.	Lieu de destina- tion.	À bonifier à l'office d'échange destinataire.			
				Port étranger.		Droit de re- commandation étranger.	
1.	2.	3.	4.	5.		6.	
				Frs.	cts.	Frs.	cts.
1							
2							
3							
4							
5							
6							
7							
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9							
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37							
38							
39							
40							
Totaux ... ..							
Total général à reporter au Tableau No. II, lit. 5 ... ..							

L'employé du bureau expéditeur :

L'employé du bureau destinataire :

## F.—ENVOIS RECOMMANDÉS.

Timbre du  
bureau  
expéditeur.Dépêche du bureau d'échange Londres, pour le bureau  
d'échange \_\_\_\_\_.

Départ du \_\_\_\_\_, 187\_\_\_\_, à \_\_\_\_ h. \_\_\_\_ m. du \_\_\_\_\_.

Arrivée le \_\_\_\_\_, 187\_\_\_\_, à \_\_\_\_ h. \_\_\_\_ m. du \_\_\_\_\_.

Timbre du  
bureau  
destinataire.

Nos. d'ordre.	Lieu d'origine.	Nom du desti- nataire.	Lieu de desti- nation.	À bonifier à l'office d'échange destinataire.			
				Port étranger.		Droit de re- commandation étranger.	
1.	2.	3.	4.	5.		6.	
				Frs.	cts.	Frs.	cts.
1							
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24							
25							
Totalx ... ..							
Total général, à reporter au Tableau No. II, lit. b ...							

L'employé du bureau expéditeur :

L'employé du bureau destinataire :

G.—ÉTAT MENSUEL du contenu des dépêches du bureau Britannique d \_\_\_\_\_  
pour le bureau Belge d \_\_\_\_\_.

Départ de \_\_\_\_\_ h. \_\_\_\_\_ m. du \_\_\_\_\_.

Mois d \_\_\_\_\_, 187 \_\_\_\_.

Dates.		Numéros des Articles des Comptes.										Observations.
		I. Avoir de l'Office Britannique.						II. Avoir de la Belgique.				
		Art. 1. Imprimés, &c.		Art. 2.	Art. 3.	a. Objets ordinaires.		b. Objets re-commandés.				
		(a.) 2.	(b.) 3.			6.		7.				
1.	2.	3.	4.	5.		6.		7.		8.		
	Grammes.	Grammes.	Frs.	cts.	Frs.	cts.	Frs.	cts.	Frs.	cts.		
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31												
Totaux												

H.—ÉTAT MENSUEL, No. , du contenu des dépêches du bureau Belge d \_\_\_\_\_  
pour le bureau Britannique d \_\_\_\_\_ voie d \_\_\_\_\_.

Départ d \_\_\_\_\_ h. \_\_\_\_\_ m. du \_\_\_\_\_.

Mois d \_\_\_\_\_, 187 \_\_\_\_.

Numéros des Articles des Comptes.										
Dates.	I.				II.					
	Avoir de l'Office Belge.				Avoir de l'Office Britannique.					
	Lettres.	Imprimés, &c., ré-expédiés.			Art. 1.		Art. 2.			
					Objets ordi- naires.	Objets recom- mandés.	Imprimés, &c.			
		a.	b.		a.	b.	a.	b.	c.	10.
1.	2.	3.	4.		5.	6.	7.	8.	9.	
	Frs.	cts.	Grms.	Grms.	Frs.	cts.	Frs.	cts.	Grms.	Grms.
1										
2										
3										
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Totaux										







*SPEECH of the President of Mexico, on the Opening of Congress.—Mexico, April 1, 1874.*

(Translation.)

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**CITIZEN DEPUTIES,**

IN obedience to the fundamental law, you return to the discharge of your high functions in the midst of the peace enjoyed throughout the Republic. The Mexican people sees with satisfaction that the ordinary course of your legislative tasks is pursued with entire regularity in the constitutional periods.

Our relations with the friendly Powers fortunately continue to be sincerely cordial. Representatives of Mexico have been appointed for Germany and Spain, whose presence will contribute to augment the friendship which unites us to those nations.

The investigating Commission for the States of Coahuila, Nuevo Leon, and Tamaulipas has terminated its important labours. The interesting report in which it has rendered account of its intelligent and useful researches will very soon be published.

The other investigating Commission, for the frontier of Chihuahua and Sonora, is already engaged in the performance of its duties.

In consequence of the law passed by Congress to quiet the disturbances which occurred in the State of Coahuila, complete tranquillity has been restored therein, thus permitting its legal reorganization, which will be effected within a few days.

Through the efficacy of the special law of Congress, aided by the peace which we enjoy, crimes against the security of persons and property have diminished to the degree that but few have been committed, and these have been promptly punished. They, however, prove the necessity of further prolonging the existence of the said law, which the Executive will submit to the enlightened consideration of Congress.

The inquiry which the Executive made in the previous Session, as to whether the faculty of modifying the organization of the tribunals of the Federal district is included among the powers conferred by law for the purpose of promulgating the Code of Criminal Procedure, is also worthy of attention. Upon the decision of this inquiry depends the promulgation of this Code, which is as necessary as the other reforms, which experience has shown to be very necessary for the better administration of justice.

The judicial reorganization of the territory of Lower California, proposed by the Executive, having been enacted by Congress, the new tribunals have been established, so as to realize this improvement in an important branch of the public administration.

The attention which Congress has already devoted to the amend-  
[1875-76. LXVII.]

ment of the law upon secondary instruction in the Federal district will serve to facilitate the conclusion of this interesting subject. The initiative concerning obligatory primary instruction, so as to extend to all classes of society the benefits of education, affords equal interest.

Zealous efforts are being made to form the statistics of public instruction throughout the country. This is the more useful, since it is, without doubt, an efficacious means of ascertaining the advance of enlightenment, as well as a stimulus to all the authorities to labour for popular education.

In the formation of the annual Estimates, the chief object of the Session commencing to-day, Congress will be able, by its wisdom and patriotism, to make the most adequate provision for the various necessities of the public Treasury.

The payment of the ordinary expenses of the Administration has continued with entire regularity. At the same time, care has been taken to regulate and improve the collection of the imposts for the better service of the public interests.

It is our duty to provide the means of attending to the public debt, legally recognized and liquidated. For this purpose, it may, perhaps, become necessary to increase the present imposts, which suggestion Congress will take into its enlightened consideration, so as to prudently combine all the interests involved in a manner compatible with justice.

During the years which have elapsed since the passage of the law for establishing military colonies, these could not be founded for various reasons, only a limited force having been supported, which was employed in repressing Indian incursions. The Executive believes that the system of colonies might now be commenced, by forming them gradually in the frontier States, which are so worthy of being favoured in this important particular, which Congress will be able to consider in connection with the Estimates.

It having been found necessary to build the coast-guard vessels decreed by Congress, they are now being constructed, and within a few months will begin to render important service.

The importance of amending the Law of Patents being notorious, the Executive will present a Bill in harmony with the provisions of the Constitution.

A new law upon colonization, which the Executive has proposed, might be found of very great advantage, and a new one will be presented to facilitate the division and sale of the public lands in Lower California.

The Commissions created by Congress for the survey of certain rivers in the State of Vera Cruz, and of a road from Jalisco to Zacatecas, are engaged in the performance of their duties.

With the object of constantly extending our telegraphic lines, the material on hand is being employed, and another considerable quantity has been ordered. Special attention has been and will be given to the construction of the extended lines from Michoacan to Jalisco, San Luis to Durango, Durango to Chihuahua, Mazatlan to Guaymas, Tampico to Matamoros, and Tobasco to Chiapas. We may anticipate that within a very short time the city of Mexico will be in telegraphic communication with all the State capitals, extending the wires also to Lower California by the route which may be designated by an exploration already begun.

Yesterday was inaugurated the section of railroad from Mexico to Halmepantla, soon to be extended to Cuantitlan and Tobuca. The Executive takes pleasure in the success of this road, which will be so beneficial to the country in general, and especially to the States of Mexico, Queretaro, and Michoacan.

We may enjoy a well-founded confidence that the rapid development of the fruitful elements of our country's riches guarantees us a prosperous future, under the auspices of a peace solidly based upon the general good sense of the people, and the discipline, bravery, and loyalty of the national army.

Be assured, Citizen Deputies, that the Executive will zealously second all the measures which your wisdom and patriotism may enact for the welfare and aggrandizement of the Republic.

[SEBASTIAN LERDO DE TEJADA.]

*SPEECH of the President of Mexico, on the Opening of Congress.—Mexico, September 16, 1874.*

(Translation.)

CITIZEN DEPUTIES,

You have returned to the discharge of the high duties which the Mexican people have committed to your illustrious patriotism and to your zeal for the public good.

Our relations with friendly Powers continue happily preserved with cordial goodwill.

A Representative of the Republic of Guatemala having been recently accredited to Mexico, negotiations have been begun with him upon the long-standing and important subject of fixing the boundaries between the two countries. This will result not only in determining exactly the boundaries, but in preventing that ill-feeling which, through some uncertainty respecting them, has been occasioned between neighbouring peoples, and in strengthening the friendly relations which exist between the two Republics.

After exchanging the ratifications of the Treaty of the Extradition of Criminals,\* there were also exchanged those of the Treaty of Commerce,† also concluded with the King of Italy, within the time fixed for that purpose, which Congress was pleased to approve. These two Treaties have been published as laws of the Republic, which afford new reasons for strengthening and encouraging commercial and diplomatic relations with that nation.

The investigating Commission which was appointed for the States of Sonora and Chihuahua, after having finished their investigations in the former State, are continuing them at present in Chihuahua. As the six months designated were not sufficient, the Executive extended the time six months, according to the law. The labours of this Commission, as also those which the Commission appointed for the State of Coahuila, Nuevo Leon, and Tamaulipas, concluded successfully, will be very fruitful in the just defence of the rights and interests of the inhabitants of the frontier.

The contracts subsidizing two lines of steamers for service at regular intervals between several of our ports on the Pacific have become involved in difficulties, which the Executive has sought to remove. The contracts having been renewed, the service of the steamers has been continued with decided benefit to several of our States which have an important commerce with those ports. In due time there will be submitted to Congress the extension which is thought to be necessary in the term of one of the contracts, in order that, if it be thought proper, it may give its approbation.

It has been announced that the service of a line of steamers between Vera Cruz and New Orleans, touching at Turpan and Tampico, will not only be begun within the stipulated time, but that the beginning will be anticipated in October next. This service will be very useful to the commerce of those three ports, by reason of the greater frequency of communication and greater accommodation of travellers.

A contract has been made, subsidizing a new line of diligences from Tepic to Guaymas. This line will extend about 300 leagues through the whole length of Sinaloa, and a considerable extent of Sonora, with great benefit to the commerce and travel in those important States, and to the frequency and expedition of the mails, since, instead of two, there will be three weekly passages, reducing the delay to half the time until now employed.

In order to facilitate commerce in an important part of Sonora, a Custom-house has been established at the port of Libertad; as, also, one has been established for the same purpose at Tijuana, on the frontier of the territory of Lower California.

\* December 17, 1870. Vol. LXV. Page 954.

† December 14, 1870. Vol. LX. Page 1016.

There has been completed, for presentation to Congress, the plan of reform of the mineral ordinances, which is now in press. Once decreed as Federal Law, besides its beneficial application to the territory of Lower California, it may be adopted by our mining States, in so far as it may contribute to the development of this interesting branch of the national wealth.

As the publication of the Code of Procedure in criminal cases is connected with some modifications in the organization of the district tribunals, this subject will merit, to the extent Congress may think best, its intelligent consideration.

Several States have adopted the views of the proposition which the Executive addressed to Congress respecting compulsory primary education. The advantage of attempting this in the district and Federal territory will be considered by the representatives of the nation, since so much good is to be expected from the development of primary instruction, the inexhaustible fountain of the intelligence of the people, and an element most efficacious for the consolidation of democratic institutions.

Diligent care has been taken to better, so far as possible, by useful instruments and necessary apparatus, practical instruction in those branches which require it, in order that the ample theoretic instruction in the national schools of the second grade may be made the most beneficial.

The experiment has also been tried of introducing into both the primary and secondary schools of instruction suitable exercises for the physical development of the pupils. The wisdom of Congress will determine what it may think best touching the pending reforms in the law of public instruction.

The time of the lease of the Mint of Chihuahua having expired in August, arrangements were made at the proper time to receive it, so that, with the exception of the one in Mexico, the termination of whose lease still is delayed, the other ten Mints of the Republic are already administered by the Government.

The re-coining of worn money has commenced, in order to remedy the evils caused by its circulation. Efforts should be made at once to withdraw the old silver coinage of the smaller values, to the end that all the money may be uniform in the decimal system.

Recently the cable communicating with the Island of Carmen has been laid, connecting the telegraph line of Mexico, by Tabasco, with Campeachy and Yucatan. The Executive omits no exertion that each day may advance more and more the lines under construction, and provides the materials for the extensive lines proposed, that will unite the capital of the Republic with those States where telegraphic communication does not yet exist, so useful to commerce, industry, and all the branches of public service.

Successful measures are being taken to finish the mole of Tampico, and the canal between the Lakes of Chijol and Tamiahua, which will facilitate commerce between many towns of the States of Vera Cruz and Tamaulipas. Also, the necessary provision has been made to commence the canal between the River Armeria and the Lake of Cuyutlen, at Manzanillo. The realization of this work will be very important to the health of that port, which will attain thereby the importance its situation merits.

The Executive regards it its duty to recommend the proposition for the survey and adjudication of the wild lands in Lower California, as well as the Bills pending on colonization, from which we may expect so much, and which is without doubt one of the objects that ought to be considered with special interest.

The proposition to reform the law on concession of privileges is worthy also of being recommended, which, when they are granted as a reward due to intelligence and to labour, are a most efficacious stimulus to the progress of science, industry, commerce, and the arts.

A Commission, appointed of intelligent and competent persons, has been entrusted to make arrangements for the National Exhibition next year, and for the part which Mexico may take in the International Exhibition at Philadelphia the following year. We have full confidence that the Republic will continue to avail herself of the benefits of peace, which will permit her to gather the rich fruits of these assemblies of industry and civilization.

The expenses of the public administration have continued to be met with perfect regularity. The Executive has taken especial care to continue to invest as much as the Treasury would permit, in ways of communication and in various branches of public improvements, so necessary to the support and development of the public wealth.

Conformably to the authorization of Congress, the modifications necessary in the stamp law have been made. The machines necessary for the stamps being already established, their use can be commenced in January next.

The construction of the line of railway from Vera Cruz to Mexico, by way of Jalapa, continues advancing, to which latter city it is expected it will be completed before the time specified. This new route will encourage an important commerce between rich and fertile districts and with the chief of our ports.

It was opportunely communicated to Congress at its former Session that it had been necessary to declare terminated the last concession for the interoceanic and international railroads. Doubtless the short time intervening afterward was not sufficient to complete the organization which was announced of a new enterprise; but the Executive will omit nothing that may depend upon it to

facilitate any plan of equitable conditions, endeavouring to establish the base of an immediate guarantee of realization. The railroad to the interior is worthy of the greatest interest for a very just reason to many of our most important States, in order that they may participate in all the benefits of a railway, which ought to result in a fruitful movement embracing all the elements of national wealth.

I congratulate you, Citizen Deputies, because you come anew to seek with your wisdom and patriotism the well-being and prosperity of the Republic.

[SEBASTIAN LERDO DE TEJADA.]

*TREATY between the Indian Government and the Khan of Khelat. (Friendship. British Troops. Trade. Telegraphs. Railways. Postal Arrangements. Subsidy.)—Signed at Jacobabad, December 8, 1876.*

WHEREAS it has become expedient to renew the Treaty of 1854,\* between the British Government and Nusseer Khan, Khan of Khelat, and to supplement the same by certain additional provisions calculated to draw closer the bonds of friendship and amity between the two Governments, the following Additional Articles are herewith agreed upon between the Right Honourable Edward Robert Bulwer Lytton, Baron Lytton of Knebworth, in the county of Hertford, and a Baronet of the United Kingdom, Viceroy and Governor-General of India, and Grand Master of the Most Exalted Order of the Star of India, on behalf of the British Government on the one hand, and His Highness Meer Khodadad Khan, Khan of Khelat, on the other :—

ART. I. The Treaty concluded between the British Government and Meer Nusseer Khan, Khan of Khelat, on the 14th of May, 1854, is hereby renewed and re-affirmed.

II. There shall be perpetual friendship between the British Government and Meer Khodadad Khan, Khan of Khelat, his heirs and successors.

III. Whilst on his part Meer Khodadad Khan, Khan of Khelat, binds himself, his heirs, successors, and Sirdars, to observe faithfully the provisions of Article III of the Treaty of 1854, the British Government on its part engages to respect the independence of Khelat, and to aid the Khan, in case of need, in the maintenance of a just authority and the protection of his territories from external



attack, by such means as the British Government may at the moment deem expedient.

IV. For the further consolidation of the friendship herewith renewed and reaffirmed between the two Governments, it is agreed on the one hand that British Agents with suitable escorts shall be duly accredited by the British Government to reside permanently at the Court of the Khan and elsewhere in His Highness' dominions, and on the other hand that a suitable Representative shall be duly accredited by His Highness to the Government of India.

V. It is hereby agreed that should any dispute, calculated to disturb the peace of the country, arise hereafter between the Khan and the Sirdars of Khelat, the British Agent at the Court of His Highness shall in the first place use his good offices with both parties to effect by friendly advice an amicable arrangement between them, failing which the Khan will, with the consent of the British Government, submit such dispute to its arbitration, and accept and faithfully execute its award.

VI. Whereas the Khan of Khelat has expressed a desire on the part of himself and his Sirdars for the presence in his country of a detachment of British troops, the British Government, in accordance with the provisions of Article IV of the Treaty of 1854, and in recognition of the intimate relations existing between the two countries, hereby assents to the request of His Highness, on condition that the troops shall be stationed in such positions as the British Government may deem expedient, and be withdrawn at the pleasure of that Government.

VII. It is also agreed that such lines of telegraph or railway as may be beneficial to the interests of the two Governments shall be from time to time constructed by the British Government in the territories of the Khan, provided that the conditions of such construction be a matter of previous arrangement between that Government and the Government of His Highness.

VIII. There shall be entire freedom of trade between the State of Khelat and the territories of the British Government, subject to such conditions as the British Government may, at any time, in concert with the Khan of Khelat, deem necessary for the protection of fiscal interests.

IX. To aid Meer Khodadad Khan, his heirs and successors, in the efficient fulfilment of the obligations contracted by them under the Treaty of 1854, and the present Supplementary Engagement, the British Government hereby undertakes to pay to the said Khan, his heirs and successors, an annual sum of one lakh of rupees, so long as they shall faithfully adhere to the engagements heretofore and hereby contracted.

X. The British Government further undertakes to contribute

20,500 rupees annually towards the establishment of posts and development of traffic along the trade routes in His Highness' territories, provided such money is expended by the Khan in the manner approved of by the British Government.

Executed at Jacobabad, this 8th day of December, A.D. 1876.

LYTTON, *Viceroy and Governor-General of India.*

(Seal) of Khan of Khelat.

***LOI de la Confédération Suisse, sur la Naturalisation Suisse et la Renonciation à la Nationalité Suisse.—Berne, le 3 Juillet, 1876.***

L'ASSEMBLÉE Fédérale de la Confédération Suisse, en exécution de l'Article XLIV de la Constitution Fédérale, vu le Message du Conseil Fédéral du 2 Juin, 1876, décrète :

***I. De la Naturalisation Suisse.***

ART. 1. L'étranger qui désire obtenir la nationalité Suisse (le droit de cité Suisse) doit demander au Conseil Fédéral l'autorisation de se faire recevoir citoyen d'un canton et d'une commune.

L'autorisation du Conseil Fédéral doit être également demandée, par l'entremise du Gouvernement Cantonal, s'il s'agit de la naturalisation à accorder à un étranger à titre de don.

2. Le Conseil Fédéral n'accordera cette autorisation qu'à des étrangers :

- (1.) Qui ont leur domicile ordinaire en Suisse depuis deux ans ;
- (2.) Dont les rapports avec l'État auquel ils ressortissent sont tels qu'il est à prévoir que leur admission à la nationalité Suisse n'entraînera pour la Confédération aucun préjudice.

3. La naturalisation s'étend à la femme de l'étranger naturalisé et à ses enfants mineurs, s'il n'est pas fait pour ceux-ci une exception formelle en vue de l'Article 2, chiffre 2.

4. Toute décision accordant à un étranger la naturalisation cantonale et communale est nulle si elle n'a pas été précédée de l'autorisation du Conseil Fédéral.

D'un autre côté, la nationalité Suisse n'est acquise que lorsque l'autorisation du Conseil Fédéral est suivie de la naturalisation cantonale et communale, conformément aux dispositions des lois d'un Canton.

L'autorisation du Conseil Fédéral est périmée s'il n'en est pas fait usage dans le délai de deux ans à partir du jour où elle a été accordée.

5. Nul ne peut réclamer vis-à-vis d'un État étranger, dans lequel il réside, les droits et la protection dus à la qualité de citoyen Suisse, s'il a conservé la nationalité de cet État, indépendamment de la nationalité Suisse.

## II. *De la Renonciation à la Nationalité Suisse.*

6. Un citoyen Suisse peut renoncer à sa nationalité; il doit à cet effet:

- a. Ne plus avoir de domicile en Suisse;
- b. Jouir de sa capacité civile d'après les lois du pays dans lequel il réside;
- c. Avoir, dans le sens de l'Article 8, dernier alinéa, une nationalité étrangère, acquise ou assurée pour lui, pour sa femme et pour ses enfants mineurs.

7. La déclaration de renonciation à la nationalité Suisse doit être présentée par écrit, avec les pièces justificatives, au Gouvernement Cantonal. Celui-ci en donne connaissance aux autorités de la commune d'origine et fixe un délai d'opposition de quatre semaines au plus, pour la commune comme pour tous autres intéressés.

Si le droit de renoncer à la nationalité Suisse est contesté, le Tribunal Fédéral statue, conformément aux Articles 61 à 63 de la Loi sur l'Organisation Judiciaire Fédérale, du 27 Juin, 1874.

8. Si les conditions mentionnées à l'Article 6 sont remplies et qu'il n'y ait pas eu d'opposition, ou si l'opposition a été écartée par le juge, l'autorité compétente aux termes de la loi Cantonale déclare le requérant libéré des liens de la nationalité cantonale et communale.

Cette libération, qui entraîne la perte du droit de cité Suisse, date de la remise au requérant de l'acte de libération.

La libération s'étend à la femme et aux enfants mineurs, lorsqu'ils vivent en un même ménage et qu'il n'est pas fait d'exception formelle à leur égard.

9. La veuve ou la femme divorcée du citoyen Suisse qui a renoncé à sa nationalité, et les enfants qui étaient encore mineurs au moment de cette renonciation, peuvent demander au Conseil Fédéral d'être admis de nouveau à la nationalité Suisse. Ce droit s'éteint après l'expiration de dix années, à partir, pour les enfants de leur majorité, et pour la femme de la dissolution du mariage.

Le Conseil Fédéral accordera l'admission si les requérants remplissent les conditions prévues pour la naturalisation à l'Article 2, chiffre 2, et s'ils résident en Suisse.

L'admission à la nationalité Suisse datera de la remise de l'acte qui en sera dressé; et rendra de plein droit la nationalité cantonale et communale.

Les cantons peuvent faciliter encore le retour à la nationalité

Suisse, sous réserve toutefois des dispositions de l'Article 2, chiffre 2, de la présente Loi.

### III. *Dispositions Finales.*

10. Toutes les dispositions des lois Fédérales et Cantonales contraires à la présente Loi sont abrogées.

11. Le Conseil Fédéral est chargé conformément aux dispositions de la Loi Fédérale du 17 Juin, 1874, concernant la votation populaire sur les Lois et Arrêtés Fédéraux, de publier la présente Loi et de fixer l'époque où elle entrera en vigueur.

Ainsi décrété par le Conseil des États, Berne, le 1<sup>er</sup> Juillet, 1876.

A. ROTH, *Vice-Président.*

J. L. LÜTSCHER, *Secrétaire.*

Ainsi décrété par le Conseil National, Berne, le 3 Juillet, 1876.

ÆPLI, *Président.*

SCHIESS, *Secrétaire.*

Le Conseil Fédéral arrête: la Loi Fédérale ci-dessus sera insérée dans la Feuille Fédérale.

Berne, le 10 Juillet, 1876.

WELTI, *Président de la Confédération.*

SCHIESS, *Chancelier de la Confédération.*

### *SPEECH of the President of Mexico, on the Opening of Congress.—Mexico, April 1, 1875.*

(Translation.)

CITIZEN DEPUTIES,

YOUR reassembling on the day designated by the fundamental laws is a renewed proof of the orderly march of the public powers and of the consolidation of our institutions. It is likewise a well-grounded reason for hoping that the Republic may not lose the benefits of peace advancing in the way of progress and of liberty.

Our relations with friendly Governments continue happily and cordially cultivated.

In order to strengthen them more with Guatemala and Italy, representatives of the Republic have been sent especially charged with expressing to those Governments the wishes which that of Mexico entertains for the prosperity of the people over whose destinies they preside.

The Convention of the 20th November, 1874,\* which extended for one year the powers of the Mixed Commission established in

Washington, being approved and ratified conformably to the Constitutions of Mexico and of the United States of America, the ratifications were duly exchanged, continuing the Commissioners in the discharge of their important duties.

The investigating Commission in the States of Sonora and Chihuahua has terminated its duties. As soon as its reports are received they will be duly presented to Congress for its information.

Among the amendments to the Constitution recently made, with all the requisites which the same provides, the erection of the Senate, which will be realized in September next, will become, in the composition of the Executive power, the complement of our constitutional organization.

The Executive has given exact fulfilment to the organic law of the constitutional additions and reforms. The remains of old prejudices in the religious sentiment of some persons, artfully and unreasonably excited, have given occasion or pretext for the formation of small armed bands in a limited section of the States of Michoacan and Jalisco, urged on by those who even pretend to believe that the Mexican people can be deprived of the victories, sealed by its blood, in those ideas and principles which have given it a place among the most liberal and civilized peoples. These small bands will soon be dispersed, which, being continually followed up, have not had, neither do they now have, any importance in compromising the peace of the nation.

The resolution which Congress dictated in the former period of its sessions, occasioned by the legal questions raised in Yucatan and Oaxaca, were executed in a pacific manner by the Executive, the public order being maintained without any difficulty in those two States, which have continued in the most tranquil manner in their normal state.

On account of the vacancies which have occurred in the Court of Justice, and those which will very soon take place by the expiration of the legal term of some of the magistrates, it might be opportune that, in the general elections of June of this year, the election of new magistrates be held, without whom that Tribunal might not be able to fulfil its high duties.

The advantage of decreeing the code of proceedings in criminal cases is a just occasion for recommending to the enlightened deliberation of Congress the proposition made by the Executive upon the modifications which that code may require in the organization of the tribunals of the Federal district.

There deserves also to be recommended to the consideration of Congress the project which the Executive has presented to it of a new mining ordinance, so useful in a country which possesses this branch of industry as one of the principal sources of its wealth.

The project of the code of commerce having been completed, it will be submitted to Congress as soon as the observations of the Chamber of Commerce of this city are examined, which, at its suggestion, it has appeared very proper to hear in a matter of so great and general interest.

With the establishment of instruction in teaching and other branches in the national secondary school for girls, there has been given to it the character of a normal school, in order that there may be furnished a good corps of female teachers. The Executive is also occupied in organizing a normal school of male teachers, the project for which will be duly presented to Congress for its examination and approval.

The project of a law for compulsory primary instruction, which the Executive has presented to Congress, has the highest and most important interest for making education general and elevating the moral condition of society.

The Commission sent to observe in Asia the transit of Venus across the disc of the sun reported that it had complete success in the observation. It is a cause of satisfaction that the Mexican Commission may have been able to co-operate with the promoters of science, forming with these studies and data a work which they are already preparing to publish.

There only lacks an extension of about three leagues to complete the construction of the railroad from Vera Cruz to Jalapa, which certainly can be inaugurated in June next, conformably to the requirement in the concession.

For the important work of the railroad from Mexico to Leon, the investigations and surveys necessary for the entire distance from Mexico to Queretaro began without delay and have continued without interruption, the route which the road should follow being already located for a distance of 28 kilometres.

Near the end of the last period of sessions, the Executive submitted to Congress a project for a railroad from Leon to the Rio Bravo, and another for a railroad from Guaymas to the Sonora and Arizona frontier.

The basis of a project is already settled, which will soon be presented to Congress, for a railroad from Matamoras to the Laguna de Jesus Maria, and for the necessary work in said lake for the purpose of improving its favourable conditions for forming therein an excellent port, which shall offer to vessels ample space and security.

The funds necessary for the lighthouses of Anegada de Afuerza, in Vera Cruz, and of Tampico, have been deposited. These improvements in the two harbours will be of great utility.

The labour for completing the canal from the Lake of Tamiahua

to Tampico is well advanced, as also that on the canal which will convey the waters of the Rio Armeria to the lagoon of Cuyetlan.

No effort is omitted for pushing forward the pending construction of several extensive telegraphic lines. Already all the material for the line from Tampico to Matamoras, via Ciudad Victoria, has been received, which, besides communicating with the capital of Tamaulipas, will serve to maintain with security, by means of two lines, foreign telegraphic communication. Since peace was established, about the middle of the year 1872, there have been constructed 2,600 kilometres of Government telegraphic lines.

The Commissions having in charge the arrangements for the National Exhibition and the preparation for the part which Mexico is to take in the Philadelphia Exhibition continues in the satisfactory discharge of its interesting labours.

The payments of the civil and military lists, as also the ordinary expenses of the Administration, have continued to be met with entire regularity.

This period of sessions being specially designated for the making of the Estimates, Congress will be able, with enlightened prudence, to enact in the revenues and expenditures all that which may best comport with the necessities of the public service.

The Law of the 10th of November last for continuing the recognition and liquidation of the claims of the public debt is being efficiently complied with. The proceedings which remained pending in the liquidating sections, that were discontinued, have been continued by the chief Auditing Office and the proper section of the Department of Finance with energy and assiduity; the Executive hoping that, with due regard to the legitimate interests of the creditors, the despatch of all these matters may be concluded within the designated time.

The stamp law which was promulgated on the 31st of December, 1871, was not carried immediately into effect, on account of the office lacking the machinery and the materials necessary for the printing of the stamps. This obstacle being removed, it was determined on the 1st of December last that it should begin to take effect, and, exercising the authority which Congress confided in the Executive, it made in said law important modifications favourable to the public, and it is being executed in the Federal district and in most of the States without the difficulties which other similar laws are ordinarily accustomed to produce.

Conformably to the Decree of Congress which permits vessels from foreign ports to arrive directly in our ports of coasting trade to load with cattle and wood, the Executive issued a system of rules which would prevent contraband trade, without hindering the complete fulfilment of the effects of the law in favour of exportation.

As the increase of the mineral production in the district of Muligé, Lower California, and the annual fishing on its coasts, bring to that port an important mercantile business, it was determined, in order to encourage it, to establish there a port of the coastwise trade. In the same manner, on account of the new circumstances of the boundary-line between Upper and Lower California, the Executive considered that, besides establishing the frontier port of Ziguana, it was best to transfer the frontier Custom-house which was in Sonora to Port Isabel, situated at the mouth of the River Colorado, in the Gulf of Cortés. These measures were demanded by the quantities of goods which are being introduced at those points, and by the traffic growing with the increase of population.

The Executive has been careful that the military colonies in the frontier States should continue provided with the armament, the equipment, and all other elements necessary for their good organization. In this manner they will be able to fulfil their important mission of protecting in their persons and property the inhabitants of those States, so worthy, on account of their patriotic sentiments, of the national consideration.

Receive, Citizen Deputies, my sincere congratulations on seeing you reassembled for the purpose of seeking, with your wisdom and patriotism, the well-being and prosperity of the Republic.

[SEBASTIAN LERDO DE TEJADA.]

*SPEECH of the President of Mexico, on the Opening of Congress.—Mexico, September 16, 1875.*

(Translation.)

**CITIZEN DEPUTIES AND SENATORS,**

FOR the first time under the political regimen established in 1857, the legislative power of the Union comes to exercise its functions composed of two Chambers. The institution of the Senate completes our constitutional system, offering new hopes of prosperity, both because the equal representation of the States is now combined with the proportionate representation of the population, as also because the greater concentration of intelligence and the double discussion of the laws will make of the Federal Congress a fruitful centre of prosperity for the Republic.

This reform, initiated eight years ago, is now realized, after being considered by various Congresses, approved by the Legislatures of the States, and sanctioned by all the requisites of the fundamental code. We may congratulate ourselves on this eloquent proof of the regular course of our institutions in which this highly important



modification has been introduced, not as the result of an impassioned agency, nor still less by violence, but as the result of tranquil discussion and the enlightened conviction that the measure was for the public good.

Our relations with the friendly Powers continue to be cordially and happily cultivated.

The necessary data are now collected upon which to base the project of a Treaty of limits between Mexico and Guatemala, the conclusion of which will be sought with zeal, it being desirous to hasten to a satisfactory termination this subject, which, during half-a-century, has occupied the attention of both countries.

The re-establishment of the monarchy in Spain having been communicated to the Executive, the Representative of Mexico in Madrid has been newly accredited.

The work of the Mixed Commission established in Washington is nearly terminated, the decision in a few cases only being wanting, as also the resolution of the arbiter on several cases in which the Commissioners were not agreed. At the early conclusion of this important business, it will be presented to Congress for its information.

The investigating Commission in the States of Chihuahua and Sonora has terminated its labours satisfactorily, of which result the report has recently been made, which will soon be published.

Elections for magistrates of the Supreme Court of Justice having been held in all the Republic, the final declaration of Congress is only wanting to constitute that high tribunal complete.

Exercising the authorization conferred by Congress upon the Executive, a law has been formed for the reorganization of the tribunals of the Federal district. Its publication will be made in a short time, having been delayed because the code of proceedings in criminal matters should be issued at the same time, which project has been the object of certain amendments which were thought necessary in its careful revision.

The project of reform of the Commission appointed in compliance with the law which ordered the revision of the code of civil proceedings will be sent to Congress at once.

Public instruction has continued to merit particular attention. Both in the primary and in the professional schools efforts have constantly been made to increase the elements of instruction, by establishing new professorships as well as providing all the instruments and other useful apparatus for practical teaching. With the same desire of obtaining the most perfect practical instruction, various pupils of the national schools have continued to be sent abroad when they have successfully concluded their studies.

The Executive sent an initiative to Congress at its last session

for the establishment of a normal school of teachers. This subject is very worthy to be recommended in order to meet the growing wants of primary instruction.

In the Conservatory of Music and Declamation practical instruction in this last branch has been inaugurated, in order to encourage advancement in national art and dramatic literature. The Executive has ordered a dramatic company to be subventioned, which is intrusted with the instruction and with placing on the stage the plays of Mexican dramatic authors, giving to these a part of the pecuniary benefits.

Notwithstanding certain difficulties, care has been taken to continue with regularity the ordinary payment of the civil and military lists.

On account of the imperious necessity of obtaining some increase in the receipts of the National Treasury, in order not to neglect improvements of great interest and to meet the obligations of the Administration, the Executive, in the exercise of the authorizations of Congress, has ordered a time to be fixed when the reduction of 10 per cent. in the tariff shall cease and the entire collection of the import duties shall be made. In the last session of Congress the propriety of this measure had already been indicated, which has not been repugnant to public opinion, considering it as the most equitable and least onerous mode of obtaining additional resources.

According to the direction of Congress, more than 200,000 dollars, which represents almost the total of the copper money in circulation in Sinaloa, has already been withdrawn from circulation. It is expected soon to be able to withdraw the rest of this money, which, on account of its depreciation in that State, occasioned serious injury to commerce and to all social interests.

The insurrectionary bands in the State of Michoacan, although they have not been entirely suppressed, having been favoured by the rugged character of the country, have very notably diminished. A competent Federal force constantly pursues them and frequently defeats them, it being expected that very soon order will be entirely restored in that State. It is also to be believed that the disturbances which have occurred in Nuevo Leon, on account of local questions, will soon disappear, with a happy termination to those difficulties.

The insurrection against the Local Government of Chiapas has been effectually resisted by that Government. As a sufficient Federal force was also sent immediately, it is certain that no element of disorder in that State can maintain itself.

In the rest of the Republic the benefits of peace are enjoyed, solidly supported by public opinion, which, with the experience of former revolutions, condemns all disturbances of legal order.

It is gratifying to the Executive to state to Congress that it has hardly made any use of the extraordinary faculties which were conceded to it. It has sought to duly reciprocate the confidence of Congress by abstaining from the use of them in so far as its own faculties were sufficient. Nevertheless, the concession of these extraordinary powers has not been fruitless, as it has prevented the revolts from being extended, and also because the simple fact of investing the Government with all necessary power has restrained those who wished to create public disorder.

Without neglecting the other branches of the Administration, the development of public improvements has been zealously sought, under the conviction that these will assure the peace, being the most efficacious element of social progress.

The contract has been renewed with the steam-ship company which is engaged in the traffic between certain of our ports on the Pacific, for the benefit of their commerce.

The new telegraph lines are already finished from San Luis Potosi to Tampico, from Mexico to Vera Cruz, from Cuernavaca to Cuautla, and from Tepeji to Tula, in the State of Hidalgo. At the same time there is being actively prosecuted the construction of the telegraph lines of Chihuahua, from Tabasco to Chiapas, and from San Luis to Durango.

The works of the ports of Frontera and Tabasco being well advanced, their conclusion should not long be delayed. The works on the mole at Mazatlan are also already commenced.

The construction of the railroad from Vera Cruz to Zamorana is completed, as likewise that of the railroad from Vera Cruz to Jalapa, which has been in operation since June. The construction of the railroad from Merida to Progreso is being actively continued, as also that of the wagon-road from Tehuacan to the capital of Oaxaca, so useful for communication with that important State.

For the Central Railroad the reconnaissance and the plans of more than 200 kilometres have been finished, that which embraces the entire route from Mexico to Queretaro. It is to be expected, within the time fixed by the law of the concession, that this work, so beneficial to the States of the interior, will be realized.

Citizen Deputies and Senators,—You come to devote your enlightened attention to many subjects of real social importance. The patriotism and wisdom of the Eighth Constitutional Congress will be such that the period of its high mission will be fruitful for the well-being and prosperity of the Republic.

[SEBASTIAN LERDO DE TEJADA.]

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*ACT of the British Parliament, to enlarge the Powers of the Governor-General of India in Council at Meetings for making Laws and Regulations, and to amend the Law respecting the Territorial Limits of the several Presidencies and Lieutenant-Governorships in India.*

[28 Vict., cap. 17.]

[May 9, 1865.]

WHEREAS by an Act passed in the Session holden in the 24th and 25th years of the reign of Her present Majesty, chapter 67, it was, among other things, enacted that the Governor-General of India in Council shall have power, at meetings for the purpose of making laws and regulations, to make laws and regulations for all persons, whether British or native, foreigners or others, within the Indian territories under the dominion of Her Majesty, and for all servants of the Government of India within the dominions of Princes and States in alliance with Her Majesty: And whereas it is expedient to enlarge the said power by authorizing the Governor-General of India in Council to make laws and regulations for all British subjects of Her Majesty within the dominions of such Princes and States:

Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. The Governor-General of India shall have power, at meetings for the purpose of making laws and regulations, to make laws and regulations for all British subjects of Her Majesty within the dominions of Princes and States in India in alliance with Her Majesty, whether in the service of the Government of India or otherwise.

2. The preceding section shall be read with and taken as part of Section 22 of the said Act of the 24th and 25th years of Her Majesty, chapter 67.

3. \* [And whereas it is expedient to amend the law respecting the territorial limits of the several Presidencies and Lieutenant-Governorships in India, Section 18 of the Act of the 16th and 17th years of the reign of Her present Majesty, chapter 95, intituled "An Act to provide for the Government of India,"† is hereby repealed.]

4. It shall be lawful for the Governor-General of India in Council from time to time to declare and appoint, by Proclamation, what part or parts of the Indian territories for the time being under the dominion of Her Majesty shall be or continue subject to each of

\* Repealed by Act 41 & 42 Vict., cap. 79.

† Vol. XLIX. Page 742.

the Presidencies and Lieutenant-Governorships for the time being subsisting in such territories, and to make such distribution and arrangement, or new distribution and arrangement, of such territories into or among such Presidencies and Lieutenant-Governorships as to the said Governor-General in Council may seem expedient.

5. Provided always that it shall be lawful for the Secretary of State in Council to signify to the said Governor-General in Council his disallowance of any such Proclamation: And provided further, that no such Proclamation for the purpose of transferring an entire zillah or district from one Presidency to another, or from one Lieutenant-Governorship to another, shall have any force or validity until the sanction of Her Majesty to the same shall have been previously signified by the Secretary of State in Council to the Governor-General.

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*ACT of the British Parliament, to define the Powers of the Governor-General of India in Council at Meetings for making Laws and Regulations for certain purposes.*

[32 & 33 Vict., cap. 98.]

— [August 11, 1869.]

WHEREAS doubts have arisen as to the extent of power of the Governor-General of India in Council to make laws binding upon native Indian subjects beyond the Indian territories under the dominion of Her Majesty:

And whereas it is expedient that better provision should be made in other respects for the exercise of the power of the Governor-General in Council:

Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same as follows:—

1. From and after the passing of this Act the Governor-General of India in Council shall have power, at meetings for the purpose of making laws and regulations, to make laws and regulations for all persons being native Indian subjects of Her Majesty, her heirs and successors, without and beyond as well as within the Indian territories under the dominion of Her Majesty.

2. No law heretofore passed by the Governor-General of India, or by the Governors of Madras and Bombay, respectively in Council, shall be deemed to be invalid solely by reason of its having reference to native subjects of Her Majesty not within the Indian territories under the dominion of Her Majesty.

8. Notwithstanding anything in "The Indian Councils Act" or in any other Act of Parliament contained, any law or regulation which shall hereafter be made by the Governor-General in Council in manner in the said "Indian Councils Act" provided shall not be invalid by reason only that it may repeal or affect any of the provisions of the said Act of the 3rd and 4th years of King William IV, chapter 85, contained in Sections 81, 82, 83, 84, 85, and 86 of the said Act.

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*ACT of the British Parliament, for more effectually punishing  
Offences against the Laws relating to the Slave Trade.  
[India.]*

[39 & 40 Vict., cap. 46.]

[August 11, 1876.]

WHEREAS under an Act passed in the Session holden in the 32nd and 33rd years of the reign of Her present Majesty [cap. 98],† the Governor-General of India in Council is empowered to make laws for native Indian subjects of Her Majesty without and beyond British India :

And whereas under an Act passed in the Session holden in the 28th and 29th years of the reign of Her present Majesty [cap. 17].‡ the Governor-General of India in Council is empowered to make laws for all British subjects of Her Majesty within the dominions of Princes and States in India in alliance with Her Majesty, whether in the service of the Government of India or otherwise :

And whereas the several Princes and States in India in alliance with Her Majesty have no connections, engagements, or communications with foreign Powers, and the subjects of such Princes and States are, when residing or being in the places hereinafter referred to, entitled to the protection of the British Government, and receive such protection equally with the subjects of Her Majesty :

And whereas it is expedient to make provision for more effectually punishing offences against the laws relating to the Slave Trade by British subjects and other persons protected by the British Government in such places :

Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. If any person, being a subject of Her Majesty or of any Prince or State in India in alliance with Her Majesty, shall, upon

\* 24 & 25 Vict., cap. 67.

† Page 596.

‡ Page 595.

the high seas, or in any part of Asia or Africa which Her Majesty may from time to time think fit to specify by any Order in Council in this behalf, commit any of the offences defined in Sections 367, 370, and 371 (in the Schedule to this Act respectively recited) of Act 45 of 1860, passed by the Governor-General of India in Council and called "The Indian Penal Code," or abet within the meaning of the fifth chapter of the said Penal Code the commission of any such offence, such person shall be dealt with, in respect of such offence or abetment, as if the same had been committed in any place within British India in which he may be or may be found.

2. If the Governor-General of India in Council shall, at a meeting for making laws and regulations, amend the provisions of the said Sections 367, 370, and 371 of the said Penal Code, or any of them, or the said fifth chapter thereof so far as relates to the abetment of any of the offences forbidden by such sections, or make any further provision for preventing or suppressing the making, buying, or selling of slaves, or any of the offences comprised in the said three sections, the Secretary of State for India shall, unless Her Majesty has disallowed such amendment or further provision, lay a copy of the amending Act before each House of Parliament; and after the same shall have lain on the table of both Houses of Parliament for the space of 40 days, it shall be lawful for Her Majesty, unless either House of Parliament shall present an address to Her Majesty to the contrary, to direct by Order in Council that the provisions of the first section of this Act shall apply to the law so amended or enlarged, and the same shall be applicable accordingly.

3. For the purpose of obtaining evidence of the commission of the offences made punishable by this Act or any Act of Parliament relating to Slavery or the Slave Trade, every High Court in India shall have, as respects the persons in the first section of this Act referred to, and as respects any British colony, settlement, plantation, or territory wherein any witness may be, the same powers as are conferred on the Court of Queen's Bench by the fourth section of an Act made and passed in the session of Parliament holden in the 6th and 7th years of Her Majesty's reign, chapter 98,\* with respect to such British colonies, settlements, plantations, and territories as are therein referred to.

And every High Court may, if it thinks fit, issue such commission as is mentioned in Section 330 of Act 10 of 1872, passed by the Governor-General of India in Council, and called "The Code of Criminal Procedure," to any Consular Officer of Her Majesty in the parts of Asia or Africa specified in any Order of Her Majesty in Council under Section 1 of this Act, or to any Political Officer or Agent of the Governor-General of India in Council or of any Indian

Government in the said parts or in the dominions of any Prince or State in India in alliance with Her Majesty, or to any magistrate in Her Majesty's Indian dominions.

And the depositions taken by virtue of the said powers or under such commission shall be deemed by every court of original or appellate jurisdiction in India, in any trial or proceeding under this Act or any Act of Parliament relating to Slavery or the Slave Trade, to be as good and competent evidence as if the witnesses deposing had been present and examined *visd voce* and had made oath or affirmation as required by law.

4. And whereas by certain Orders of Her Majesty in Council, made by virtue of an Act made and passed in the session of Parliament holden in the 6th and 7th years of Her Majesty's reign, chapter 94,\* which Orders are dated respectively the 9th day of August, 1866,† and the 4th November, 1867,‡ it is ordered that the provisions of such Orders relating to British subjects shall extend and apply to all subjects of Her Majesty, whether by birth or by naturalization, and also to all persons enjoying Her Majesty's protection in the several dominions mentioned in such Orders respectively:

It is hereby declared and enacted that for the purposes of the said Orders in Council, and of any Orders in Council which Her Majesty may hereafter think fit to make by virtue of the said Act of the 6th and 7th years of Her Majesty's reign, chapter 94, all subjects of the several Princes and States in India in alliance with Her Majesty, residing and being in the several dominions comprised in such Orders respectively, are and shall be deemed to be persons enjoying Her Majesty's protection therein.

5. Nothing in this Act shall be deemed to restrict the legislative power which the Governor-General of India in Council possesses at meetings for the purpose of making laws and regulations.

6. Save as aforesaid, nothing in this Act shall be deemed to affect any Order made or to be made by Her Majesty in Council by virtue of the said Act of the 6th and 7th years of Her Majesty, chapter 94.\*

#### SCHEDULE.

Section 367 of the Indian Penal Code.—Whoever kidnaps or abducts any person, in order that such person may be subjected or may be so disposed of as to be put in danger of being subjected to grievous hurt, or slavery, or to the unnatural lust of any person, or knowing it to be likely that such person will be so subjected or disposed of, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to a fine.

Section 370.—Whoever imports, exports, removes, buys, sells, or disposes of

\* Vol. XXXI. Page 984.

† Vol. LVI. Page 630.

‡ Vol. LVII. Page 54.



any person as a slave, or accepts, receives, or detains against his will any person as a slave, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to a fine.

Section 371.—Whoever habitually imports, exports, removes, buys, sells, traffics, or deals in slaves, shall be punished with transportation for life, or with imprisonment of either description for a term not exceeding ten years, and shall also be liable to a fine.

**BRITISH ORDER IN COUNCIL, suspending the operation of the Order for the Regulation of Consular Jurisdiction in the Dominions of the Sublime Ottoman Porte of December 12, 1873,\* as regards matters coming within the Jurisdiction of the Egyptian Courts, established with the concurrence of Her Majesty.—Osborne, February 5, 1876.**

At the Court at Osborne House, Isle of Wight, the 5th day of February, 1876.

**PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.**

WHEREAS Her Majesty the Queen has power and jurisdiction within that part of the Dominions of the Sublime Ottoman Porte called Egypt:

And whereas, with the concurrence of Her Majesty, Egyptian Courts have been or are about to be established as follows (namely), three Courts of First Instance at Alexandria, Cairo, and Zagazig, and a Court of Appeal at Alexandria:

Now, therefore, Her Majesty, by virtue of and in exercise of the powers in this behalf by the Foreign Jurisdiction Acts, 1843† to 1875,‡ or otherwise in her vested, is pleased, by and with the advice of her Privy Council, to order, and it is hereby ordered as follows:—

As regards all such matters and cases as arise after the time when the Egyptian Courts aforesaid begin to sit and act judicially, and as come within the jurisdiction of those Courts, the operation of the Order of Her Majesty the Queen in Council for the regulation of Consular jurisdiction in the Dominions of the Sublime Ottoman Porte, made at Windsor, the 12th day of December, 1873,\* and of every Order amending the same, shall be, and the same is hereby suspended until it shall seem fit to Her Majesty the Queen, by and with the advice of her Privy Council, to otherwise order.

And the Right Honourable the Earl of Derby, and the Right

\* Vol. LXIII. Page 59.

† Vol. XXXI. Page 984.

‡ Vol. LXVI. Page 241.

Honourable the Earl of Carnarvon, and the Most Honourable the Marquis of Salisbury, three of Her Majesty's Principal Secretaries of State, and the Lords Commissioners of the Admiralty, are to give the necessary directions herein as to them may respectively appertain.

C. L. PEEL.

*VENEZUELAN DECREE, raising the Blockade of the Mouths of the River Orinoco.—Carácas, May 4, 1872.\**

(Translation.)

I, JUAN BAUTISTA GARCIA, charged with the Presidency of the United States of Venezuela, decree—

ART. 1. The waters of the Orinoco, in all the extent embraced by its mouths up to Ciudad Bolivar, are open to navigation for commerce in general, and the blockade of the coasts of the said river is suspended; the Decree of the 2nd of October, 1871,† which established it, being in consequence abrogated.

2. The Minister of War and Marine is charged with the fulfilment of this Decree, and to communicate it to whomsoever it may be necessary.

Given at Carácas, May 4, 1872, the 9th year of the Law and the 14th of the Federation.

JUAN B. GARCIA.

JUAN F. PÉREZ, *Minister of War and Marine.*

*DECLARATION between Italy and Roumania, for regulating, provisionally, the Commercial Relations between the Two Countries.—Signed at Rome, November 16, 1876.*

LE Gouvernement de Sa Majesté le Roi d'Italie et le Gouvernement de Son Altesse le Prince de Roumanie, désirant régler provisoirement les relations entre les deux pays pendant la période nécessaire pour la négociation d'une Convention de Commerce, les Soussignés, dûment autorisés à cet effet, sont convenus des dispositions suivantes:—

Les produits d'origine ou de provenance Italienne qui seront importés en Roumanie, et les produits d'origine ou de provenance Roumaine qui seront importés en Italie, seront respectivement

\* Notified in the "London Gazette" of June 11, 1872.

† Page 520.

soumis, quant aux droits d'importation, d'exportation, de transit, quant à la réexportation, au courtage, à l'entrepôt, aux droits locaux, et quant aux formalités douanières au même traitement que les produits de la nation la plus favorisée.

S'il n'est pas expressément renouvelé, le présent arrangement provisoire cessera le <sup>30 Avril,</sup><sub>15 Mai,</sub> 1877.

En foi de quoi les Soussignés ont signé la présente Déclaration en double expédition, et y ont apposé le sceau de leurs armes.

Fait à Rome, le 16 Novembre, 1876.

Pour l'Italie : (L.S.) MELEGARI.

Pour la Roumanie : (L.S.) GHEORGHIAN.

*AGREEMENT between the British Government and the Suez Canal Company, respecting Tonnage Measurement with regard to the Transit Tariff by the Suez Canal.\*—Signed at Cairo, February 21, 1876.†*

[Approved by the Sublime Porte, March 30, 1877.]

THE following has been agreed to between—

M. de Lesseps, G.C.S.I., &c., President Director of the Universal Company of the Maritime Suez Canal, furnished with full powers from the Council of Administration, on the one part ;

And Colonel John Stokes, C.B., &c., empowered by Her Britannic Majesty's Government, on the other part :—

ART. 1. M. de Lesseps engages to induce the said Company to accept beforehand all that was settled at Constantinople relative to the question of tonnage as regards the transit tariff by the said Suez Canal, in conformity with the Final Report of the International Commission of 18th December, 1873,‡ which was adopted by the Ottoman Porte.

2. In return for this declaration, the British Government will undertake to negotiate, with a view to substitute for the present dispositions relative to the decrease of the surtax, an arrangement by virtue of which the first decrease of 50 c. shall begin on the 1st January, 1877; the second decrease of 50 c. on the 1st January, 1879; the third on the 1st January, 1881; the fourth on the 1st January, 1882; the fifth on the 1st January, 1883; and the sixth on the 1st January, 1884; so that from this latter date the surtax

\* Laid before Parliament with "Correspondence respecting the Suez Canal (Tonnage Measurement)" in 1878.

† Signed also in the French language.

‡ Vol. LXV. Page 799.

would be extinguished, and the maximum of 10 fr. per ton on the official net tonnage would alone be levied.

3. M. de Lesseps engages that the Company shall execute extraordinary works of construction in addition to works of ordinary repair up to the amount of 1,000,000 of francs a year for 30 years.

4. As soon as the British Government shall have informed M. de Lesseps of the favourable result of the negotiation mentioned in Article 2 which precedes, M. de Lesseps will withdraw all his protests against the Ottoman Porte.

Executed in duplicate at Cairo, February 21, 1876.

FERD. DE LESSEPS.

J. STOKES.

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*ACT of Congress of the United States, to carry into effect provisions of the Treaties between the United States and China, Japan, Siam, Persia, and other Countries, giving certain Judicial Powers to Ministers and Consuls or other Functionaries of the United States in those Countries, and for other purposes.*

[Chap. 179.]

[June 22, 1860.]

BE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that, to carry into full effect the provisions of the Treaties of the United States with the Empires of China, Japan, and Siam, respectively, the Minister and the Consuls of the United States, duly appointed to reside in each of the said countries, shall, in addition to other powers and duties imposed upon them respectively, by the provisions of such Treaties respectively, be invested with the judicial authority herein described, which shall appertain to the said office of Minister and Consul, and be a part of the duties belonging thereto, wherein the same is allowed by Treaty.

§ 2. And be it further enacted, that in regard to crimes and misdemeanors, the said public functionaries are hereby fully empowered to arraign and try, in the manner herein provided, all citizens of the United States charged with offences against law, which shall be committed in such countries respectively, and, upon conviction, to sentence such offenders in the manner herein authorized; and the said functionaries, and each of them, are hereby authorized to issue all such processes as are suitable and necessary to carry this authority into execution.

§ 3. And be it further enacted, that, in regard to civil rights, whether of property or person, the said functionaries are hereby invested with all the judicial authority necessary to execute the

provisions of such Treaties respectively, and shall entertain jurisdiction in matters of contract at the port where, or nearest to which, the contract was made, or at the port at which, or nearest to which, it was to be executed; and in all other matters at the port where, or nearest to which, the cause of controversy arose, or at the port where, or nearest to which, the damage complained of was sustained, any such port above-named being always one of the ports at which the United States are represented by Consuls; which jurisdiction shall embrace all controversies between citizens of the United States, or others, provided for by such Treaties respectively.

§ 4. And be it further enacted, that such jurisdiction in criminal and civil matters shall, in all cases, be exercised and enforced in conformity with the laws of the United States, which are hereby, so far as is necessary to execute such Treaties respectively, extended over all citizens of the United States in the said countries (and over all others to the extent that the terms of the said Treaties respectively justify or require), so far as such laws are suitable to carry the said Treaties into effect; but in all cases where such laws are not adapted to the object, or are deficient in the provisions necessary to furnish suitable remedies, the common law, including equity and admiralty, shall be extended in like manner over such citizens and others in the said countries; and, if defects still remain to be supplied, and neither the common law, including equity and admiralty, nor the Statutes of the United States, furnish appropriate and suitable remedies, the Ministers in the said countries respectively shall, by Decrees and Regulations which shall have the force of law, supply such defects and deficiencies.

§ 5. And be it further enacted, that in order to organize and carry into effect the system of jurisprudence demanded by such Treaties respectively, the said Ministers, with the advice of the several Consuls in each of the said countries respectively, or so many of them as can be conveniently assembled, shall prescribe the forms of all processes which shall be issued by any of said Consuls; the mode of executing and the time of returning the same; the manner in which trials shall be conducted, and how the records thereof shall be kept; the form of oaths for Christian witnesses, and the mode of examining all other witnesses; the costs which shall be allowed to the prevailing party, and the fees which shall be paid for judicial services to defray necessary expenses; the manner in which all officers and agents to execute process, and to carry this Act into effect, shall be appointed and compensated; the form of bail-bonds, and the security which shall be required of the party who appeals from the decision of a Consul; and generally, without further enumeration, to make all such Decrees and Regulations from time to time, under the provisions of this Act, as the exigency may

demand ; and all such Regulations, Decrees, and Orders shall be plainly drawn up in writing, and submitted, as above provided, for the advice of the Consuls, or as many of them as can be consulted without prejudicial delay or inconvenience, who shall each signify his assent or dissent in writing, with his name subscribed thereto ; and after taking such advice, and considering the same, the Minister, in the said countries respectively, may, nevertheless, by causing the Decree, Order, or Regulation to be published with his signature thereto, and the opinions of his advisers inscribed thereon, make it to become binding and obligatory, until annulled or modified by Congress ; and it shall take effect from the publication or any subsequent day thereto named in the Act.

§ 6. And be it further enacted, that all such Regulations, Orders, and Decrees shall, as speedily as may be after publication, be transmitted by the said Ministers, with the opinions of their advisers, as drawn up by them severally, to the Secretary of State, to be laid before Congress for revision.

§ 7. And be it further enacted, that each of the Consuls aforesaid, at the port for which he is appointed, shall be competent, under the authority herein contained, upon facts within his own knowledge, or which he has good reason to believe true, or upon complaint made, or information filed in writing and authenticated in such way as shall be prescribed by the Minister, to issue his warrant for the arrest of any citizen of the United States charged with committing in the country an offence against law ; and when arrested, to arraign and try any such offender ; and upon conviction, to sentence him to punishment in the manner herein prescribed : always meting out punishment in a manner proportioned to the offence ; which punishment shall, in all cases, except as is herein otherwise provided, be either fine or imprisonment.

§ 8. And be it further enacted, that any Consul, when sitting alone for the trial of offences or misdemeanors, shall finally decide all cases where the fine imposed does not exceed 100 dollars, or the term of imprisonment does not exceed 60 days. And there shall be no appeal therefrom except as provided in Section 11 of this Act. But no fine imposed by a Consul for a contempt committed in the presence of the Court, or for failing to obey a summons from the same, shall exceed 50 dollars, nor shall the imprisonment exceed 24 hours for the same contempt.

§ 9. And be it further enacted, that when sitting alone he may also decide all cases in which the fine imposed does not exceed 500 dollars, or the term of imprisonment does not exceed 90 days ; but in all such cases, if the fine exceeds 100 dollars, or the term of imprisonment for misdemeanor exceeds 90 days, the defendants (or any of them, if there be more than one) may take the case, by

appeal, before the Minister of the United States, if allowed jurisdiction, either upon errors of law or matters of fact, under such rules as may be prescribed by the Minister for the prosecution of appeals in such cases.

§ 10. And be it further enacted, that whenever, in any case, the Consul shall be of opinion that, by reason of the legal questions which may arise therein, assistance will be useful to him, or whenever he shall be of opinion that a severer punishment than those above specified will be required, he shall, in either case, summon one or more citizens of the United States, not exceeding four in number, taken by lot from a list of individuals which shall have been submitted previously to the Minister for his approval, but in capital cases not less than four, who shall be persons of good repute and competent to the duty, to sit with him in the trial, and who, after so sitting upon the trial, shall each enter upon the record his judgment and opinion, and sign the same. The Consul shall, however, give judgment in the case; but if his decision is opposed by the opinion of one or more of his associates, the case, without further proceedings, together with the evidence and opinions, shall be referred to the Minister for his final adjudication, either by entering up judgment therein, or remitting the same to the Consul with instructions how to proceed therewith; but in all such cases, except capital offences, if the Consul and his associates concur in opinion, the decision shall be final, except as is provided in Section 9 of this Act.

§ 11. And be it further enacted, that the Consuls aforesaid, and each of them, at the port for which he is appointed, shall have jurisdiction, as is herein provided, in all civil cases arising under such Treaties respectively, wherein the damage demanded does not exceed the sum of 500 dollars; and if he sees fit to decide the same without aid, his decision thereon shall be final: but if, in his judgment, any case involves legal perplexities, and assistance will be useful, or if the damage demanded exceeds 500 dollars, in either such case it shall be his duty to summon to his aid, from a list of individuals which shall have been nominated for the purposes of this Act to the Minister and received his approval, not less than two nor more than three citizens of the United States, if such are residing at the port, of good repute and competent to the duty, who shall with him hear any such case; and if the Consul and his associates concur in opinion, the judgment shall be final: but if the associates, or any of them, differ from the Consul, the opinions of all shall be noted on the record, and each shall subscribe his name to his assent to or dissent from the Consul, with such reasons therefor as he thinks proper to assign, and either party may thereupon appeal, under such regulations as may exist, to the Minister;

but if no appeal is lawfully claimed, the decision of the Consul shall be final and conclusive.

§ 12. And be it further enacted, that in all cases, criminal and civil, the evidence shall be taken down in writing in open Court, under such regulations as may be made for that purpose; and all objections to the competency or character of testimony shall be noted, with the ruling in all such cases, and the evidence shall be part of the case.

§ 13. And be it further enacted, that the Minister of the United States in the country to which he is appointed shall, in addition to his power to make Regulations and Decrees, as herein provided, be fully authorized to hear and decide all cases, criminal and civil, which may come before him, by appeal, under the provisions of this Act, and to issue all processes necessary to execute the power conferred upon him; and he is hereby fully empowered to decide finally any case upon the evidence which comes up with it, or to hear the parties further, if he thinks justice will be promoted thereby; and he may also prescribe the rules upon which new trials may be granted, either by the Consuls or by himself, if asked for upon justifiable grounds.

§ 14. And be it further enacted, that in all cases, except as is herein otherwise provided, the punishment of crime provided for by this Act shall be by fine or imprisonment, or both, at the discretion of the functionary who decides the case, but subject to the regulations herein contained, and such as may hereafter be made. It shall, however, be the duty of each and every functionary to allot punishment according to the magnitude and aggravation of the offence; and all who refuse or neglect to comply with the sentence passed upon them shall stand committed until they do comply or are discharged by order of the Consul, with the consent of the Minister in the country.

§ 15. And be it further enacted, that murder and insurrection, or rebellion against the Government of either of the said countries, with intent to subvert the same, shall be capital offences, punishable with death; but no person shall be convicted of either of said crimes, unless the Consul and his associates in the trial all concur in opinion, and the Minister also approves of the conviction: but it shall always be lawful to convict one put upon trial for either of these crimes, of a lesser offence of a similar character, if the evidence justifies it; and when so convicted, to punish, as for other offences, by fine or imprisonment, or both.

§ 16. And be it further enacted, that whenever any one shall be convicted of either of the crimes punishable with death, as aforesaid, in either of the said countries, it shall be the duty of the Minister to issue his warrant for the execution of such convict, appointing



the time, place, and manner: but if the said Minister shall be satisfied that the ends of public justice demand it, he may from time to time postpone such execution; and if he finds mitigatory circumstances which may authorize it, may submit the case to the President of the United States for pardon.

§ 17. And be it further enacted, that it shall be the duty of the Minister in each of the said countries to establish a tariff of fees for judicial services, which shall be paid by such parties, and to such persons, as said Minister shall direct; and the proceeds shall, as far as is necessary, be applied to defray the expenses incident to the execution of this Act; and regular accounts, both of receipts and expenditures, shall be kept by the said Minister and Consuls and transmitted annually to the Secretary of State.

§ 18. And be it further enacted, that, in all criminal cases which are not of a heinous character, it shall be lawful for the parties aggrieved or concerned therein, with the assent of the Minister in the country, or Consul, to adjust and settle the same among themselves, upon pecuniary or other considerations.

§ 19. And be it further enacted, that it shall be the duty also of the said Ministers and the Consuls to encourage the settlement of controversies of a civil character, by mutual agreement, or to submit them to the decision of referees agreed upon by the parties, a majority of whom shall have power to decide the matter. And it shall be the duty of the Minister in each country to prepare a form of submission for such cases, to be signed by the parties, and acknowledged before the Consul: and when parties have so agreed to refer, the referees may, after suitable notice of the time and place of meeting for the trial, proceed *ex parte*, in case either party refuses or neglects to appear; and, after hearing any case, may deliver their award, sealed, to the Consul, who, in Court, shall open the same; and if he accepts it, he shall indorse the fact, and judgment shall be rendered thereon, and execution issue in compliance with the terms thereof: Provided, however, that the parties may always settle the same before return thereof is made to the Consul.

§ 20. And be it further enacted, that the Ministers aforesaid and Consuls shall be fully authorized to call upon the local authorities to sustain and support them in the execution of the powers confided to them by said Treaty, and on their part to do and perform whatever is necessary to carry the provisions of said Treaties into full effect, so far as they are to be executed in the said countries, respectively.

§ 21. And be it further enacted, that the provisions of this Act, so far as the same relate to crimes and offences committed by citizens of the United States, shall extend to Turkey, under the Treaty with the Sublime Porte of 7th May, 1830,\* and shall be executed in the

Ottoman dominions in conformity with the provisions of said Treaty, and of this Act, by the Minister of the United States and the Consuls of the United States [appointed] to reside therein, who are hereby *ex officio* vested with the powers herein conferred upon the Minister and Consuls in China, for the purposes above expressed, so far as regards the punishment of crime, and also for the exercise of jurisdiction in civil cases wherein the same is permitted by the laws of Turkey, or its usages in its intercourse with the Franks or other foreign Christian nations.

§ 22. And be it further enacted, that the word "Minister," when used in this Act, shall be understood to mean the person invested with, and exercising, the principal diplomatic functions in each of the countries mentioned in the first section of this Act. The word "Consul" shall be understood to mean any person invested by the United States with, and exercising, the functions of Consul-General, Vice-Consul-General, Consul, or Vice-Consul in any of the countries herein named. And if at any time there be no Minister of the United States in either of the countries hereinbefore mentioned, the judicial duties which are imposed by this Act upon the Minister shall devolve upon the Consul-General or Consul residing at the capital of the country, who is hereby authorized and required to discharge the same.

§ 23. And be it further enacted, that all such officers shall be responsible for their conduct to the United States; and to the laws thereof, not only as Diplomatic or Consular functionaries respectively, but as judicial officers, when they perform judicial duties, and shall be held liable for all negligences and misconduct as public officers.

§ 24. And be it further enacted, that capital cases for murder or insurrection against the Government of either of the countries hereinbefore mentioned, by citizens of the United States, or for offences against the public peace amounting to felony under the laws of the United States, may be tried before the Minister of the United States in the country where the offence is committed if allowed jurisdiction; and it shall be competent for each of the said Ministers to issue all manner of writs, to prevent the citizens of the United States from enlisting in the military or naval service of either of the said countries, to make war upon any foreign Power with whom the United States are at peace, or in the service of one portion of the people against any other portion of the same people; and he may carry out this power by a resort to such force as may at the time be within his reach, belonging to the United States.

§ 25. And be it further enacted, that the President be, and he is hereby, authorized to appoint Marshals for such of the Consular Courts in the said countries as he may think proper, not to exceed

seven in number, namely, one in Japan, four in China, one in Siam and one in Turkey, who shall each receive an annual salary of 1,000 dollars per annum, in addition to the fees allowed by the regulations of the said Ministers respectively in the said countries; and it shall be the duty of the said Marshals respectively to execute all process issued by the Minister of the United States in the said countries respectively, or by the Consul at the port at which they reside, and to make due return of the same to the officer by whom the same was issued, and to conform, in all respects, to the regulations prescribed by the said Ministers respectively in regard to their duties. And the said Marshals shall give bond for the faithful performance of the duties of the office, before entering upon the duties of the same, which bond shall be in a penal sum not to exceed 10,000 dollars, with two sureties to be approved by the Secretary of State of the United States; and the said bond shall be transmitted to the Secretary of the Treasury, and a certified copy thereof be lodged in the office of the Minister. And in case any person aggrieved by the misconduct of any of the said Marshals should desire to bring suit upon any of the said bonds, it shall be the duty of the Secretary of the Treasury, or the Minister having custody of a copy of the same, to furnish the person so applying with a certified copy thereof, upon which copy, so furnished and certified, suit may be brought and prosecuted with the same effect as could be done upon the original: Provided, that upon a plea of *non est factum* verified upon oath, or any other good cause shown, the Court or the Consul or Minister trying the cause may require the original to be produced; and when so required, it shall be the duty of the Secretary of the Treasury to forward the original bond to the Court or Consul or Minister requiring the same: And provided further, that before a copy of any such bond shall be furnished for suit, it shall be the duty of the Secretary of the Treasury, or the Minister to whom the application is made, to require *prima facie* proof, to be judged of by the Secretary of the Treasury or the Minister having charge of the copy, that there is probable cause of action against the Marshal making the bond: And provided further, that all rules, orders, writs, and processes of every kind which are intended to operate or be enforced against any of the said Marshals, in any of the countries named in this Act, shall be directed to and executed by such person as may be appointed for that purpose by the Minister or Consul issuing the same.

§ 26. And be it further enacted, that the President be, and is hereby, authorized to allow, in the adjustment of the accounts of each of the said Ministers or Consuls, the actual expenses of the rent of suitable buildings, or parts of buildings, to be used as prisons for American convicts in the said countries, not to exceed in any

case the rate of 600 dollars a year; and also the wages of the keepers of the same, and for the care of offenders, not to exceed, in any case, the sum of 800 dollars per annum; and provided that no more than one prison shall be hired in Japan, four in China, one in Turkey, and one in Siam, at such port or ports as the Minister, with the sanction of the President, may designate.

§ 27. And be it further enacted, that the jurisdiction of the respective Ministers in the countries hereinbefore named, where the same is allowed by Treaty, in all matters of civil redress or of crimes, except in the cases mentioned in Section 24, shall be appellate only, and to be exercised wherever in the said countries they may be, respectively, except also in cases where a Consular Officer shall happen to be interested either as party or witness, in which case original jurisdiction is invested in the said Ministers respectively.

§ 28. And be it further enacted, that the provisions of this Act be, and the same are hereby, extended to Persia in respect to all suits and disputes which may arise between citizens of the United States therein; and the Minister and Consuls who may be appointed to reside in Persia are hereby invested, in relation to the said suits and disputes, with such powers as are by this Act conferred upon the Minister and Consuls in China. And all suits and disputes arising in Persia between Persian subjects and citizens of the United States shall be carried before the Persian Tribunal to which such matters are usually referred, at the place where a Consul or Agent of the United States may reside, and shall be discussed and decided according to equity, in the presence of an employé of the Consul or Agent of the United States; and it shall be the duty of the Consular Officer to attend the trial in person, and see that justice is administered. And all suits and disputes occurring in Persia between the citizens of the United States and the subjects of other foreign Powers shall be tried and adjudicated by the intermediation of their respective Ministers or Consuls, in accordance with such regulations as shall be mutually agreed upon by the Minister of the United States for the time being, and the Ministers of such foreign Powers respectively, which regulations shall, from time to time, be submitted to the Secretary of State of the United States.

§ 29. And be it further enacted, that the provisions of this Act, so far as the same are in conformity with the stipulations in the existing Treaties between the United States and Tripoli, Tunis, Morocco, and Muscat respectively, shall extend to those countries, and shall be executed in conformity with the provisions of the said Treaties, and of the provisions of this Act, by the Consuls appointed by the United States to reside therein, who are hereby, *ex officio*, invested with the powers herein delegated to the Ministers and

Consuls of the United States appointed to reside in the countries named in Section 1 of this Act, so far as the same can be exercised under the provisions of Treaties between the United States and the several countries mentioned in this section, and in accordance with the usages of the said countries in their intercourse with the Franks or other foreign Christian nations:

§ 30. And be it further enacted, that the Consuls and Commercial Agents of the United States at islands or in countries not inhabited by any civilized people, or recognized by any Treaty with the United States, be, and the same are hereby, authorized to try, hear, and determine all cases in regard to civil rights, whether of person or property, where the real debt and damages do not exceed the sum of 1,000 dollars, exclusive of costs, and upon full hearing of the allegations and evidence of both parties to give judgment according to the laws of the United States, and according to the equity and right of the matter, in the same manner as justices of the peace are now authorized and empowered where the United States have exclusive jurisdiction. And the said Consuls and Commercial Agents respectively are hereby invested with the powers conferred by the provisions of Sections 7 and 8 of this Act for trial of offences or misdemeanors.

§ 31. And be it further enacted, that all marriages in the presence of any Consular Officer in a foreign country, between persons who would be authorized to marry if residing in the district of Columbia, shall have the same force and effect, and shall be valid to all intents and purposes, as if the said marriage had been solemnized within the United States. And in all cases of marriage before any Consular Officer, the said Consular Officer shall give to each of the parties a certificate of such marriage, and shall also send a certificate thereof to the Department of State, there to be kept; which certificate shall specify the names of the parties, their ages, places of birth, and residence.

§ 32. And be it further enacted, that all Acts and parts of Acts inconsistent with the provisions of this Act shall be, and the same are hereby, repealed.

§ 33. And be it further enacted, that this Act shall take effect on the 1st of July, 1860.

Approved, June 22, 1860.

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*MESSAGE of the President of Costa Rica, on the Opening of the National Congress.—San José, May 1, 1875.*

(Translation.)

HONOURABLE REPRESENTATIVES OF THE PEOPLE,

If the opening of your ordinary sessions has always been very pleasing to me, to-day I greet it with more enthusiasm than ever, because it affords me the opportunity of depositing in the august bosom of the national representation a faithful account of the principal events that have taken place since your adjournment, a succinct report of the most important affairs of the Administration, and, although a rough drawing, a picture of the actual situation of the Republic.

Your reunion, Honourable Representatives, takes place in the midst of tranquillity and peace. Let us appreciate that immense blessing, to the obtaining of which I have directed all of my resources, because peace is the greatest of all good, the first necessity of these countries for the development of their great resources; and, as for myself, peace is one of the promises contained in the programme that I formed when I was called to direct the destinies of the country.

On the altars of peace everything ought to be sacrificed, except independence and the dignity and honour of the Republic; and an equal obligation rests upon me to labour for the preservation of internal order, because the consequences of anarchy and civil war are immense and disastrous.

During the years that I have passed in the high position that I still occupy, the world has been able to contemplate Costa Rica, free from those revolts that are agitating many countries of this continent, victims of grave disturbances, of which the result is uncertain in reference to obtaining a positive advancement, but the bitter fruits are soon certain, showing themselves in the bloodshed, the tears poured out, the reign of distrust, and consequently in the loss of the social well-being, the paralyzation of the progressive movement of the public wealth.

I do not consider myself as deserving any glory for having maintained interior order; I attribute it principally to the morality, to the pacific and generous character of the Costa Rican people, on good terms with the present situation, that allows the freedman and labourer to use profitably their productive forces, under the protection of a system that has placed them in the most favourable position.

If I have any merit for preserving this inappreciable good, it is only in fulfilling a strict duty imposed upon the Executive Power by the Constitution.

When on the 1st May, 1872, I addressed the national represen-

tation, I could not but declare to you that formerly the political situation was distressing, from the revolutionary tendencies that were almost openly manifested, by the facility with which changes could be brought about, resulting from weakened institutions, with a contempt for law, for the progress and prestige that ought to surround authority.

It is exactly one year since I had the pain of making known to you that for the first time I was under the necessity of informing you of different attempts undertaken to subvert public order; I could have repressed them with a strong hand, because the proceedings of those who were trying by every means to change the political situation were not hidden from me.

As I have already said, I firmly believe that the first care of the Executive ought to be the preservation of order; but in the presence of a revolution in embryo, it seemed best to me to continue yielding respect to personal guaranties, entertaining on the other hand a full confidence and an entire faith in the resources that nature has placed in my hands, that I could be able to fulfil my high duties.

So it was that, awaiting the development of the seditious plans, fully resolved to act as circumstances demanded, I accepted the invitation that was given me to be present at a feast that is celebrated every year at Desemparado, a village in which was to take place on that occasion a vile attempt against my person. I went alone, and did not permit that there should be given the guards asked for by the Jefe Politico of that district, who could see at the last hour the infamous plan of the revolutionists. The people having been made acquainted with what was passing, those vicious plans were wrecked before the general indignation; and then I enjoyed the satisfaction with which a great number of unarmed citizens encompassed me, responding nobly to the confidence of the threatened Governor.

You remember that the above was transpiring, Honourable Representatives, before you closed your last sessions. The intrigues of the conspirators continued germinating, and the revolution broke out at last in Punta Arenas and Liberia: by accidental circumstances they obtained possession of the "cuartels" of that port and of that province.

I flew to quiet the disorder, moving only a small column of the army; the turbulent persons took to flight, only affording an opportunity of showing, in the affair, the resources of defence on which legitimate authority may depend, and the good feeling and enthusiasm of a people who knew how to gather round them only those who, delegated by the Government, bear the majestic flag of their country.

Notwithstanding such events, such proofs, it is satisfactory to

observe that respect for the head of authority, formerly so relaxed, has taken deep root, and that a Government that has for a base the clear approval of the majority preserves an existence before which the impotent and dark machinations, and the seditious cries uttered by those who are striving for power, pass away—a foolish enterprise that has been condemned by a national plebiscitum.

I ought not to conceal that I received spontaneous and popular ovations on returning from Punta Arenas and Liberia, having re-established in a very few days the lawful authorities, and without staining with blood the road that I passed. The councils of war fulfilled their duty in decreeing for the chief criminals capital punishment, but I have commuted it. You know, Honourable Representatives, that during my administration no gallows has been erected, nor a drop of blood spilled on the scaffold, and that I profess the principle that human life is inviolable. I wish, to the last, to sustain the innermost conviction of my heart.

The result of the revolution that broke out in Punta Arenas and Liberia is not the first example of that kind that the history of Costa Rica presents. Men of glorious antecedents, not only in this Republic, but in all Central America, because they struggled manfully and acquired reputation in the only war truly national, also with foreign assistance in 1860, in the same places in which, a few months since, those tried to raise their standard, who, without any merit, and committing a great crime, came to disturb the repose and peace; both suffered a reproof that cannot be fruitless.

The lamentable attempt at invasion that, in that epoch, now somewhat distant, rained blood on the shores at Punta Arenas, destroying two men surrounded by immense popularity, as the only good, produced an example for the future, and a reign of peace during nine years; the attempt that was essayed some months since, without anything to justify it, disclosing the weakness of the revolutionists, and the want of popularity they have in the country, it is natural that it will assure peace for a long time—a prophecy that can be based on acquired experience, and on the logical order that events follow.

Costa Rica is not only at peace, but it is carefully cultivating the relations of friendship that bind it with the principal nations of Europe and America.

In reference to the Republics that, during long ages, in union with this, formed a dependency of the crown of Spain and a united nation in the first years of its independent political existence, I ought to inform you that since the Treaty of Triple Alliance that the Governments of Nicaragua, Salvador, and Guatemala celebrated,\*

\* August 26, 1873. Vol. LXIII. Page 849.



of which you had opportune information, and since the friendly interposition of the Representatives of Great Britain and of the United States, which interposition was authorized by the Governments of those sister countries, no new event has come to disturb the good relations that we preserve with Salvador, Honduras, and Guatemala.

The old question of boundaries with Nicaragua has produced a kind of stringency in the relations of the Governments of the two Republics; at present the situation is aggravated from a force having been placed on the frontier to cut off the retreat of those who invaded Guanacaste. However, the last communications exchanged between the two Cabinets seem inspired by a conciliatory spirit, and open a way to obtain a peaceful solution of the pending difficulties.

The proper office will inform you of what concerns the foreign relations; the other Secretaries of the State will do the same in their respective branches.

The Republic continues advancing in the path of progress which it commenced since the work of the railroad was initiated. You are aware that since last year the Government had to take in its charge this colossal work; not only has it attended to the preservation and improvement of the part already constructed, but it has increased the number of miles in use in the section which comes from the port of Limon toward the interior.

The 48 miles that the locomotives pass over daily are in such a fine condition that during three years we have not had to lament a single one of those unfortunate accidents that are accustomed to happen in other countries. The transit of passengers has increased so much that during the first quarter of this year 43,255 persons have travelled on the trains. These figures go to prove, again, how defective is the census taken in 1864, which gives to the capitals of the four provinces, including two divisions of Cartago, a population as low as 19,939 inhabitants.

The difficulties that arose with the banking houses have prevented the completion of the railroad. The Government, in the beginning of the work, had to expend in its preservation, repairing, developing, and relieving the debts of the same enterprise, the enormous sum of more than 1,500,000 dollars. The claims in Europe are prosecuted with the energy the national interests demand. In the midst of obstacles, inseparable to so grand an enterprise, it is consoling to consider that with these same difficulties, nations more rich and powerful have had to struggle and succeed in overcoming them by perseverance and abnegation. One of these countries has been the Republic of Chile, which spent 11 years in the construction of its first railroad, situated in a stretch of country shorter and of more favourable geological conditions than that between this capital and Port Limon.

But the railroad of Costa Rica will be a fact. The Government has received propositions that afford the means of converting it into an interoceanic road. It has abstained from accepting any of these, because it is trying the offer of others still more advantageous.

You know how the revenues have been almost tripled during the period of my administration, since in the last fiscal year they have increased to 2,812,584 dollars, while at the same time in 1870 they scarcely amounted to 1,078,123 dollars. As a great decline in duties was expected, on account of failure of importations, caused by the large quantity of merchandise on hand, therefore, as is natural, a diminution in the receipts of the Custom-house is perceived that no other branch of the revenues has suffered.

Public instruction, a fruitful source of grandeur and happiness for the future, has been attended to in a munificent manner. In accordance with the ideas that have directed my administration, and in the midst of difficulties that have surrounded it, it established recently the basis of a national institute that will soon be opened, with the co-operation of European professors whom the Government has brought for that purpose, and who are already in this capital.

The Republic progresses and advances towards its glorious destinies.

God has blessed those fields moistened with the sweat of labouring Costa Ricans. The crop of coffee, as has been announced, has been abundant. There have been exported some 300,000 quintals that sold in Europe at good prices, that are sustained, in connection with various other articles of exportation, which, although of less importance, make a result of more than 6,000,000 dollars.

The maintenance of peace, the preservation of interior order, the certain completion of the railroad, and the development that has been seen for five years in this section in the branches that form the public wealth, I do not doubt, will raise Costa Rica to the high grade of prosperity to which it is called. To the attainment of this desire of all good citizens, you will know how to contribute efficaciously, fulfilling with entire freedom the noble mission the people have conferred upon you; so provide for the good of the country and make good your well-known patriotism.

Permit me, before concluding, again to salute you, and to congratulate myself on your constitutional reunion.

T. GUARDIA.

National Palace, San José, May 1, 1875.

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*CORRESPONDENCE between Great Britain and Spain, respecting the Murder of a British Subject (Mr. Robert), at San Juan del Puerto (Huelva), in Spain.—1871–1876.*

*No. 1.—Consul Reade to Earl Granville.—(Received July 14.)*

MY LORD,

*Cadiz, July 8, 1871.*

I HAVE the honour to report that I this day addressed to Her Majesty's Legation at Madrid a despatch, of which the inclosed is a copy, with reference to the assassination, at San Juan del Puerto, of Mr. James Frederick Robert, a British subject, in the service of the British Mining and Railway Company, of Buitron, in the Province of Huelva.

I have, &c.,

*Earl Granville.*

THOS. F. READE.

*(Inclosure.)—Consul Reade to Mr. Ffrench.*

SIR,

*Cadiz, July 8, 1871.*

By a despatch which I this day received from the British Vice-Consul at Huelva, I am informed that Mr. James Frederick Robert, a British subject, in the service of the British Mining and Railway Company of Buitron, was assassinated on the 2nd instant, at San Juan del Puerto, the place of his residence; that although the assassination took place at 9 o'clock in the morning, in the principal square of the town, and before a crowd of witnesses, and was effected by means of a clasp-knife ("nabaja"), which was plunged into the deceased's abdomen, the medical man by whom the *post-mortem* examination was conducted, subsequently pronounced "pneumonia," or inflammation of the lungs, to have been the immediate cause of deceased's death; that the known assassin, Juan Fernandez y Beltran, a son of Don Manuel Fernandez y Rodriguez, the second Alcalde of the place, had not been arrested; that the second Alcalde himself, Don Manuel Fernandez, and other members of his family, who also took part in the crime, were still in the enjoyment of their personal liberty; and that, in fact, the measures generally adopted by the authorities in connection with this painful affair have hitherto been of a nature rather to defeat the ends of justice than to secure the punishment of the criminals.

Under these circumstances I have determined to proceed at once to Huelva, for the purpose of urging the authorities to a more energetic and dignified course of procedure, and taking what other steps I may deem the occasion to require.

I have, &c.,

*R. Percy Ffrench, Esq.*

THOS. F. READE.

*No. 9.—Mr. Ffrench to Earl Granville.—(Received August 2.)*

MY LORD,

*Madrid, July 27, 1871.*

WITH reference to your Lordship's despatch of the 22nd instant, respecting the murder of Mr. J. F. Robert, I have the honour to inform your Lordship that, in obedience to the instructions therein contained, I have this day addressed a note to General Cordova, demanding a full investigation of the case.

I have also the honour to state that, on the 13th instant, I made a similar request to Señor Ulloa, then Minister of Grace and Justice, and that his Excellency replied he would write to the Judge of Huelva, instructing him to pay every attention to Her Majesty's Consul at Cadiz on his arrival at San Juan del Puerto. Señor Ulloa added that such recommendation, and the rectitude of the Judge, would guarantee the administration of strict justice in the matter.

I have, &c.,

*Earl Granville.*

R. PERCY FFRENCH.

*No. 18.—Mr. Ffrench to Earl Granville.—(Received September 7.)*

(Extract.)

*San Ildefonso, September 3, 1871.*

WITH reference to your Lordship's despatch of the 29th ultimo, on the subject of the murder of James Robert, I have the honour to state that, as soon as I received the account of it from Mr. Consul Reade, I addressed a note to the Spanish Government, moving them to take the most active measures for the arrest and punishment of the murderer, as well as corresponding privately with Señor Montero Rios, the Minister of Grace and Justice, who has repeatedly promised me to do all that he can to force the authorities to exert themselves.

Mr. Reade has displayed the utmost zeal in making researches and in animating the local authorities, but he informs me that the difficulties are very great.

The Minister of Grace and Justice has been absent from Madrid during the last three weeks, but has now returned, and I will lose no opportunity of pressing the matter upon him.

I have this day addressed a further note to General Cordova, requesting him to press the authorities to take more active and speedy measures for the arrest of the murderers.

*Earl Granville.*

R. PERCY FFRENCH.

*No. 19.—Mr. Ffrench to Earl Granville.—(Received September 7.)*

MY LORD,

*San Ildefonso, September 4, 1871.*

WITH reference to my despatch of yesterday's date, I have the honour to transmit, for your Lordship's information, copy of a

despatch and its inclosure which I have this day received from Her Majesty's Consul at Cadiz, stating that fresh difficulties have arisen in the bringing to justice of the assassin of James Robert.

I have communicated Mr. Diaz's despatch in a private letter to the Minister of Grace and Justice, and I hope that, in learning the state in which the affair now is, his Excellency will be induced to take some energetic measures.

I have, &c.,

Earl Granville.

R. PERCY FRENCH.

*(Inclosure.)—Consul Beade to Mr. French.*

SIR,

Cadiz, August 31, 1871.

WITH reference to my former communication on the subject of the assassination of a British subject named James Robert at San Juan del Puerto, I have the honour to inclose the accompanying translation of a despatch dated the 29th instant from the British Vice-Consul at Huelva.

I regret to gather from Mr. Diaz's communication that the case is not progressing as satisfactorily as it ought to do, but that, on the contrary, events have occurred within the last few days which tend materially to enhance the difficulties with which we have had to contend throughout the prosecution of this affair.

First of all, the Vice-Consul writes that a plan I had, with the sanction and approval of the authorities, determined upon, with a fair prospect of success, for the purpose of securing the capture of the assassin, has been thwarted by the newly-appointed Civil Governor, who has caused the sum I offered as a reward to any person who might give such evidence as would lead to the apprehension of the criminal, to be returned to me.

In the next place, I am informed that Don Pedro Lavin, the Promotor Fiscál, with whom the definitive settlement of the case rested, the sentence of the Juez de Primera Instancia being inexecutable until after its confirmation by the Promotor Fiscál, and in whose uprightness and whose ability I had unbounded confidence, has been removed to another post.

And thirdly, that, although it is pretty well known the assassin continues in the immediate vicinity of the spot where the murder was committed, he has hitherto evaded detection, partly through the interest which appears to be entertained by the more influential people of that district, and partly through the terror of constitutional law which prohibits the searching any house except under an order from the Juez de Paz, who, in the present instance, is a near relative of the assassin, and has contributed so largely to the latter's escape by the course of procedure he adopted during the first phase of this painful affair.

Having already propounded the suggestion which Mr. Diaz expresses respecting the nomination of a Special Commissioner to inquire into and determine the case, it is unnecessary for me to confirm what I have on a former occasion stated.

I would beg, however, to suggest that, inasmuch as the local authority have thought proper to disallow or annul the arrangement I had previously resolved upon with their approval, sanction, and co-operation, touching the reward to be given for information leading to the arrest of the assassin, they be held specially responsible for his capture.

With regard to Mr. Diaz's remarks respecting the rumoured presence of the criminal at San Juan del Puerto or in its immediate neighbourhood, and the continued occupancy of the post of Juez de Paz by a relative of the murderer, the serious attention of the Supreme Government will, I am persuaded, be called by you to the subject.

I have, &c.,

R. P. French, Esq.

THOS F. READE.

*No. 21.—Consul Reade to the Civil Governor of Huelva.*

(Translation.)

September 1, 1871.

On the occasion of my visit to Huelva, during the past month, I came to an understanding with the executive and judicial authorities of the Province relative to a sum of 2,000 reals vellon which I was to place at the disposal of the Commandant of the Guardia Civil, and an advertisement which was to appear in the "Boletin Oficial" of the Province, to the effect that that sum would be given as a reward to any person who might furnish such information as would lead to the apprehension of the assassin of the British subject, Mr. J. F. Robert, who died at San Juan del Puerto on the 3rd of July last.

From a despatch which Don Eduardo Diaz, the British Vice-Consul, has addressed me, it would appear that your Excellency does not think the Commandant of the Guardia Civil is justified in accepting such a charge. Respecting, as I of course do, your Excellency's opinion, as well as convinced that that opinion is founded on motives that do you honour, it is nevertheless my duty to point out that, by refusing to comply with the arrangement already agreed upon, the object we have in view (namely, the capture of the assassin) will probably be defeated—an object which not only concerns the vindication of the peace and security of the public in general, but is especially important to this Consulate, which is intrusted with the duty of taking part in the prosecution of the case, and consequently bound to cede no point until the said assassin should have been brought to justice.

However disagreeable therefore the task may be to me, I must hold whomsoever it doth or shall concern hereby responsible for the non-execution of the plan agreed upon for the apprehension of the assassin, unless other and more efficacious measures give the result which we expected so confidently to attain.

I beg furthermore, and with becoming respect, to acquaint your Excellency that information has reached me with regard to the present case which leads me to apprehend that the ends of justice will be frustrated, in spite of the good wishes and uprightness of the higher authorities of the Province. From what I hear, the assassin is even to-day in concealment at San Juan del Puerto or in its immediate neighbourhood. In order to search any dwelling where he may be supposed to be hidden, an order from the Juez de Paz is, according to law, necessary ; and as at San Juan del Puerto, the Juez de Paz, as well as the Escribano, is, it appears, a relative of the culprit, it is natural to suppose, without inference of blame to anybody, that before any search of domicile can be effected, under existing circumstances, facilities will have been afforded for the criminal's escape from any particular hiding-place.

I trust your Excellency will excuse my calling your attention so particularly to these matters ; but, aware as I am of the great efforts which are being made by people of position and influence with a view to enable the delinquents to evade the consequences of their crime, I have deemed it only right to recur to your Excellency, relying with confidence on the spirit of justice with which you are animated and your known desire to see expunged the stain that has fallen upon a district where so many foreigners reside, and where, if this crime remain unpunished, it will henceforth be considered dangerous for peaceful and honourable people to dwell.

God preserve, &c.

*Señor Rossell.*

THOS. F. READE.

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*No. 24.—Earl Granville to Mr. Ffrench.*

SIR,

*Foreign Office, September 15, 1871.*

I HAVE received your despatch of the 7th instant, as well as a despatch from Her Majesty's Consul at Cadiz, relative to the murder of James Robert, a British subject, at Huelva ; and I have to instruct you to address an official note to the Spanish Minister, stating that being now in possession of the full particulars of the case, Her Majesty's Government have directed you to call upon the Spanish Government in the most formal manner to omit no step to which they can legally have recourse to ensure the capture of the murderer and his accomplices, and his trial by an impartial tribunal, the President and members of which shall be unconnected with and unbiassed by local influence.

You will add that Her Majesty's Government does not doubt that the Spanish Government would not tolerate a miscarriage of justice in such a flagrant case.

I am, &c.,

*E. P. French, Esq.*

GRANVILLE.

*No. 26.—The Civil Governor of Huelva to Consul Reads.*

(Translation.)

*Huelva, September 5, 1871.*

ALTHOUGH it is only a few days ago that I took possession of the post of Civil Governor of this Province, I am duly informed of the deplorable outrage perpetrated at San Juan del Puerto on the person of the unfortunate British subject Mr. Robert, and to the clearing up of the affair, and the accomplishment of the capture of the presumed criminal, I have from the first devoted my especial care. I am not surprised, therefore, at your "oficio" of the 1st instant, nor am I displeased at my attention being called to the nature and importance of a case so grave, in which, if your nation is therein interested, the Spanish Government is no less so, desiring as the latter does to repress with a strong hand all crimes committed in this country, and more especially those which are perpetrated upon the persons of foreigners, for the security of whose lives and property the Government wishes to afford the most ample guarantees.

The measures taken by the authorities of this province, the zeal displayed by my worthy predecessor, the assiduity of the Juez de Primera Instancia, demonstrated by the way in which the *proceso-verbal* for the discovery of the crime is being effected, and the inquiries instituted by the Guardia Civil with a view to the capture of the presumed assassin, for whose arrest a warrant has been issued, are the best proofs of the good intentions of the Government—intentions which are alike shared by its delegates.

Authorities who act in this manner, as you will readily comprehend, cannot, without suffering a diminution of their dignity, admit officially of extraneous aid, for the purpose of assisting them in their incessant procedure; and, if I were to accept the 2,000 reals you offer as a reward to the person who may give information that would lead to the apprehension of the assassin, it would be tantamount to a confession on my part of my own incompetence, and this feeling I am very far from entertaining. That judicial authority is not impotent which has succeeded in elucidating the outrage of which the unfortunate Mr. Robert was the victim, nor is the civil authority more so, which has placed at the disposition of the Judge a man upon whom the gravest suspicion has fallen, and which is constantly on the track of another party, even though the latter has, up to the present moment, managed to evade justice.

But that which the Governor cannot formally admit of, you are of yourself able, without inconvenience, to accomplish.



Offer, at once if you like, this reward, which may possibly serve as an inducement for some person to divulge the whereabouts of the criminal; let the scheme be carried out which may prove so excellent a means for arriving at the end we have both of us so much at heart: but it ought not to be, and cannot be, the Governor of the province through whom the announcement should be made. I do not object to the measure, but disapprove only of the form in which it is proposed to be carried into execution.

Make known your plan to the Court, and, if it is admitted, as I presume it would be, notice of it shall be immediately inserted in the "*Boletin Oficial*" of my province.

If you relinquish this proposition, or do not wish to give effect to it as appearing inadmissible, the Superior Civil Authority of this province cannot assume the responsibility you conditionally attribute to it, and, while repelling it, has the honour to assure you that it will redouble its efforts and avail itself of all the means at its disposal for the purpose of apprehending the criminal; and since, as you assure me, he is protected by influential persons, my exertions will be enhanced in proportion as the opposition increases, which is being made to prevent the attainment of the most important ends of justice.

To remove some of the difficulties that are mentioned in your worthy communication I am powerless, but you, in your own name, and as the party who appears as prosecutor in this case, have that power in the fullest degree; if the *Juez Municipal*, and the *Escribano*, are relatives of the criminal, if you are inspired with reasonable grounds for suspecting partiality, the laws afford means for excluding them. Put these means to the test by addressing yourself to the Judge who is trying the cause; but, as for the Governor, he has no right to interfere in matters that affect private interests, and cannot arrogate to himself powers that are not conferred upon him by law.

Rely upon the rectitude of my character, and be assured of my good wishes, of my indefatigable zeal—a zeal which is in the present instance excited by the importance of the affair—by the high consideration with which I am inspired for the nation you so worthily represent, and by what is due to your own personal qualities.

Any remarks you may communicate to me will be listened to with deference, and if by their help, or through whatever considerations may occur to myself, I may succeed in giving full satisfaction to the requirements of justice, I shall have accomplished one of my most cherished aspirations.

God preserve, &c.

*T. F. Reade, Esq.*

JOAQUIN ROSSELL.

*Consul Reads to the Civil Governor of Huelva.*

(Translation.)

September 9, 1871.

I HAVE received your Excellency's very courteous "oficio" of the 5th instant, and thank you for its contents.

The arrangement which your Excellency proposes to me is, of course, accepted, and I accordingly instruct the British Vice-Consul at Huelva to take whatever measures may be necessary for getting the offer to remunerate any person who may furnish information that would lead to the apprehension of Mr. Robert's murderer, advertised in the "Boletin Oficial" of the province.

Your Excellency will, however, understand that this arrangement differs materially from what had been decided upon, with the sanction of the Provincial Authorities, and what, for reasons which I respect, you do not think it would be convenient to carry into effect.

Permit me to observe, in conclusion, that, whether owing to my ignorance of Spanish legislation or not, I cannot comprehend why the unfortunate widow of Mr. Robert or myself, who, for reasons of a special nature, have undertaken the prosecution of this cause, should be considered to be more deeply concerned in the affair than the authorities of this great country, who are naturally those first called upon to bring matters to light, and must really feel a particular interest in the due punishment of such a crime.

I reiterate my sincere acknowledgments for the activity and zeal with which you have taken up this case, and for the flattering terms in which you have been pleased to allude to me.

God preserve, &c.

*Señor Rossell.*

THOS. F. READE.

*No. 38.—Mr. Layard to Señor de Blas.*

M. LE MINISTRE,

*Madrid, November 25, 1871.*

WITH reference to the communication which his Excellency Admiral Malcampo did me the honour of addressing to me on the 31st October, relative to the state of the proceedings in the case of the assassination of the British subject Mr. James Robert, I regret to inform your Excellency that, from official information I have received, it would appear that no further progress has been made in the investigation of this crime since the visit to Huelva of the Magistrado of the Audiencia of Seville; that the assassin, Juan Fernandez, is still at large; and that from some cause or another the interest hitherto evinced by the local authorities in the prompt and satisfactory termination of the affair appears to have somewhat subsided.

I am further informed that a sergeant of the Guardia Civil, who bears the reputation of being a very active and intelligent officer,  
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has declared his readiness to search for and to capture the fugitive assassin, if he be specially instructed to do so by his superior authorities, and he is confident of being able to acquit himself successfully of such a charge. I would venture to suggest that application be made to the War Department for the employment of this officer.

Knowing the interest which the late Minister of Justice, Señor Montero Rios, felt in this matter, the measures which he so promptly took, and the earnest desire which he manifested that right should be done, I am convinced that your Excellency will adopt such steps as may be desirable to excite the authorities to continue their investigations, and to bring the assassin to justice.

I avail, &c.,

*Señor de Blas.*

A. H. LAYARD.

*No. 48.—Earl Granville to Mr. Layard.*

SIR,

*Foreign Office, January 10, 1872.*

WITH reference to your despatch of the 30th ultimo, and to previous correspondence upon the subject of the murder of Mr. J. F. Robert, I transmit to you herewith a copy of a letter from Mr. C. W. Robert, in which he states that efforts are being made to induce the widow of the murdered man to withdraw from the prosecution; and I have to request that you will inquire into this matter, and report to me whether there is any foundation for the statements in Mr. C. W. Robert's letter, especially as regards the conduct of the British Vice-Consul at Huelva.

I have to remind you that, by my telegram of 9th August to Mr. Ffrench, you are authorized to defray the expenses of this case in the event of the Spanish Government declining to undertake the prosecution.

I am, &c.,

*Rt. Hon. A. H. Layard.*

GRANVILLE.

*No. 55.—Señor de Blas to Mr. Layard.*

EXCELLENCY,

(Translation.)

*Madrid, January 31, 1872.*

I HAVE the honour to state to your Excellency that, as I am informed by the Minister of Grace and Justice, the necessary orders have been given to the Judge of First Instance of Huelva, in order that, in view of the warrant of imprisonment, he may concert with the superior officers of the Civil Guard, for the capture of the assassin of the British subject, James F. Robert, a sergeant of the Civil Guard having offered to effect the said capture, as your Excellency already knows.

I avail, &c.,

*Rt. Hon. A. H. Layard.*

B. DE BLAS.

*No. 73.—Consul Reade to Mr. French.*

SIR,

*Cadiz, July 8, 1872.*

I HAVE the honour to transmit to you the herewith inclosed translation of the sentence passed by the Juez de Primera Instancia at Huelva, on certain parties implicated in the murder committed last year at San Juan del Puerto, of the British subject, Mr. James Frederick Robert. The above sentence was, it appears, passed on the 5th of last month, but, for some cause or other which has not been explained to me, a copy of it did not reach me until a few days ago.

Although, in the present disordered state of the country, it is always a matter of congratulation to obtain from a Spanish Tribunal any measure of justice, however limited and unsatisfactory, I cannot help calling your especial attention to the flagrant improprieties and inconsistencies of the accompanying statement.

Manuel Fernandez y Rodriguez, the father and accomplice of the assassin, is condemned to penal servitude for a term of six years and one day, and to the payment of an indemnity of 4,000 dollars to the widow and children of the murdered man; and this conclusion is arrived at upon consideration of evidence of the most untrustworthy nature, evidence which was found in many points so conflicting and untrue that an action for perjury has been lodged against several of the principal witnesses.

Notwithstanding all that is known to the contrary, the same party, Manuel Fernandez, is declared by the Judge to have acted only in defence of his son, against an illegal aggression on the part of Robert. If so, I ask, and I am afraid the same query will occur to the "Magistrados"\* of the Audiencia, why is he punished at all?

The young man Villegas is acquitted of all participation in the outrage, because he did not attack Robert until after the latter had received his death-blow, and because he only then hit him two blows with a stick that broke into pieces in the act, and he is consequently let off with five days' arrest and a fine of 2*l*.

The third party accused, that is to say, the assassin's mother, who is currently reported to have jumped and stamped upon the wounded man while he was lying on the ground, is honourably acquitted, because there was nobody bold enough to corroborate the statement of the two women by whom the charges against her were made.

The sentence having passed on to the Audiencia or Court of Appeal at Seville, for confirmation or modification, it is to be appre-

\* "Magistrados" are the Judges of the highest legal Courts of the country.  
—T. F. R.

hended that, in view of the lenient terms in which the Huelva Judge has referred to the various incidents of the murder, the penalties awarded, which, as admitted by the Judge himself, are short even of those that are ordinarily inflicted in cases of homicide, may still be subjected to some undue commutation or reduction.

I have only to add that, so far as the assassin, Juan Fernandez (who continues unarrested), is personally concerned, sentence is deferred until his capture shall have been effected.

I have, &c.,

R. P. French, Esq.

THOS. F. READE.

(Inclosure.)—*Sentence passed by the Juez de Primera Instancia at Huelva on certain parties implicated in the Murder of the British Subject, Mr. James Frederick Robert.*

No. 75.—*Earl Granville to Mr. French.*

SIR,

Foreign Office, September 1, 1872.

IN his despatch of the 21st ultimo, Her Majesty's Consul at Cadiz reports that having learned that the proceedings in regard to the Robert murder will commence before the Audiencia at Seville in the beginning of October, he has recommended the nomination of Señor Laraña to watch the case on behalf of Mrs. Robert, and that his recommendation has been carried into effect.

Mr. Reade further suggests that as the case has now entered the limits of the Consular district of Seville, it should be placed under the charge of Her Majesty's Consul at that place.

I have to state to you that I approve the nomination of Señor Laraña, and also the suggestion that the case should be placed under the charge of Her Majesty's Consul at Seville.

You will accordingly give the necessary directions to Consuls Reade and Williams, and you will instruct the latter to pay special attention to the case, in which Her Majesty's Government take great interest.

Mr. Reade will of course furnish Mr. Williams with full information as to all that has hitherto taken place in the matter.

I am, &c.,

R. P. French, Esq.

GRANVILLE.

No. 76.—*Consul Williams to Mr. Layard.*

SIR,

Seville, March 31, 1873.

I BEG to inclose for your Excellency's information a copy of the sentence obtained from this Tribunal on the Robert murder case, and a translation of the depositive part thereof, which, I am sorry to say, does not in any way redress for the present the grievances of

the complainant, Doña Carmen Martin, the widow of the unfortunate Mr. J. F. Robert, feloniously assassinated on the 2nd July, 1871, at San Juan del Puerto.

It is not easy to conciliate with the biddings the decision adopted with regard to the acquitment of Don Manuel F. Rodriguez, the father of the missing and contumacious culprit, Juan Fernandez Beltran.

If the Judge at Huelva, Don Jacobo Perez Trujo, and his (Promotor Fiscal) Attorney could find grounds on the 5th of June last to dictate a sentence in which Don Manuel F. Rodriguez was condemned to six years' transportation and to the payment of 20,000 pesetas to the poor widow of the deceased, and child, it does not seem fair that such sentence should have been revoked without alleging stronger reasons than those brought forward in the debates.

A good many of the "resultandos" and "considerandos" quoted by the magistrates as a base of their sentence are vague or gratuitous. The Report of the Attorney-General of this Tribunal is the main cause of this sad decision.

Under this dilemma I thought fit to have an immediate interview with the plaintiff's counsel, Don Manuel Laraña, submitting to his decision the expediency of an application to the Supreme Tribunal at Madrid to get the sentence quashed.

He is acting upon this principle under the impression that if the sentence is not abrogated altogether, it is always important to controvert the opinion expressed in one of the "considerandos" with regard to the late Mr. J. F. Robert's conduct, which may greatly favour in future the trial of the defendant, Juan Fernandez Beltran, whenever he is had or makes his appearance.

If your Excellency, however, upon your discretion, or as your legal adviser might recommend upon his inspection, should consider proper to resist this plea, there is time to do so.

I have, &c.,

Rt. Hon. A. H. Layard.

MAN. J. WILLIAMS.

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(Inclosure.)—Sentence of the Tribunal at Seville, March 19, 1873.

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No. 80.—Mr. Dyett to the Earl of Derby.—(Received March 19.)

*Buitron and Huelva Railway and Mineral Company,*

MY LORD, 37, Lime Street, London, E.C., March 19, 1874.

I AM instructed by the Directors of this Company to refer your Lordship to a correspondence that took place in 1872 between myself and Her Majesty's Foreign Office in respect to the murder of a British subject named James Robert, in Huelva, Spain. The last communication that we have seen is from Her Majesty's

Chargé d'Affaires, dated Madrid, 17th September, 1873, stating that this Legation has fully acquainted Her Majesty's Government with every detail that has come to its knowledge concerning the affair of Mr. James Robert.

The widow of Mr. Robert has come over to this country to endeavour to prevail upon Her Majesty's Principal Secretary of State for Foreign Affairs to use his influence with the Spanish Government to get her some compensation for the loss she has sustained, and of her having been left in great poverty in consequence of the murder of her husband; and the Directors venture to hope that your Lordship will give her case your favourable consideration.

I have, &c.,

*The Earl of Derby.*

MARK DYETT, *Secretary.*

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*No. 82.—Lord Tenterden to Mr. Dyett.*

SIR,

*Foreign Office, April 17, 1874.*

I AM directed by the Earl of Derby to acquaint you, for the information of the Directors of the Buitron and Hueiva Railway Company, that his Lordship referred to the Law Officers of the Crown your letter of the 19th ultimo, relating to the murder of James Robert at Huelva, in 1871.

His Lordship does not clearly understand whether an appeal against the sentence of the Seville Courts in this case has or has not been proceeded with, and no information upon this point has as yet been received from Her Majesty's Minister at Madrid; but Lord Derby is advised that whether this appeal has or has not been prosecuted, there is no ground upon which Her Majesty's Government can apply to the Spanish Government to make compensation to the widow of J. Robert, on account of her sufferings and poverty consequent upon, and resulting from, his death.

I am, &c.,

*Mark Dyett, Esq.*

TENTERDEN.

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*No. 85.—Mr. Layard to the Earl of Derby.—(Received June 28.)*

MY LORD,

*Madrid, June 15, 1874.*

WITH reference to your Lordship's despatch of the 18th of April last, I have the honour to inclose copy of a despatch from Her Majesty's Consul at Cadiz, transmitting to me translation of the sentence pronounced by the Audiencia of Seville, in the case of the assassination of James Frederick Robert, a British subject, and of the act of confirmation of that sentence by the highest Court of Appeal at Madrid.

The full details of this instance of a scandalous denial of justice on the part of Spanish tribunals are before your Lordship. I understand that the widow of the murdered man has married

again, and that there is now no way of reopening this case according to Spanish law, nor do I believe that diplomatic action would be of the slightest avail in the matter.

I have, &c.,

*The Earl of Derby.*

A. H. LAYARD.

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*(Inclosure.)—Consul Reads to Mr. Layard.*

SIR,

*Cadiz, June 11, 1874.*

I HAVE the honour to acknowledge the receipt of your Excellency's despatch of 27th ultimo, whereby I am instructed to report upon the present state of the case instituted against the parties implicated in the murder of Mr. James Frederick Robert, which took place at San Juan del Puerto, on the 2nd July, 1871.

Having communicated the purport of your Excellency's instructions to the British Vice-Consul at Seville, I have, with his assistance, obtained a copy of the sentence pronounced upon the above-mentioned case by the Audiencia of Seville on the 19th March, 1873, and of the act of confirmation of that sentence, or judgment, subsequently awarded by the "Tribunal Supremo," or highest Court of Appeal, at Madrid.

Of this document I beg to inclose a copy and translation.

Your Excellency will perceive that the whole of the parties implicated in the murder, with the exception of the unarrested assassin, Juan Fernandez Beltran, have been acquitted and set at liberty, and that the judgment of the Seville Court is based upon considerations which would lead probably to the acquittal also of the said Juan Fernandez, if he were to surrender himself to the authority of a Spanish tribunal.

Care is taken to show that the unfortunate Mr. Robert was not only the real aggressor in the conflict that led to his untimely death, but that, for some days prior to the fatal occurrence, he had actually premeditated the murder of his adversary, Fernandez, and that he met with his death-wound in some unaccountable way, while efforts were being made by the elder Fernandez to restrain him from the consummation of his murderous intention.

The particulars of this case are already too well to your Excellency to necessitate recapitulation on the present occasion. They are given, and with, perhaps, too much diffuseness, in my past communications to your Excellency's office, and notably in those of the 8th, 11th, and 29th July, 5th and 31st August, and 1st, 2nd, 15th, and 23rd September, 1871, and of the 4th and 6th of February, 2nd of March, and 6th and 8th of July, 1872.

As this murder was committed in the broad light of day, in the principal square of a town, and before hundreds of witnesses, and the circumstances under which it was perpetrated acquired a



notoriety which not all the zealous and unremitting exertions of influential partizans, nor the constrained disinclination of witnesses to testify to the truth, were able to suppress; and as, independently of the moral conviction which was entertained on all sides that Manuel Fernandez y Rodriguez and the other defendants in the suit were guilty of the unprovoked assassination of the Englishman, the culpability of those parties has, despite the almost overwhelming opposition of the said partizans, been proved to the satisfaction of not only the judicial authorities before whom the case was originally tried, but also of Don Antonio Leon, a "Magistrado" from Seville, who proceeded to Huelva as a special commissioner to investigate the affair,—a feeling of profound indignation must necessarily be aroused in the minds of all right-thinking persons who are conversant with the above circumstances, and peruse the accompanying paper.

It will be seen that an appeal against the decisions of the Seville Court having been addressed to the Supreme Tribunal at Madrid by the widow of the murdered man, it was rejected on the 17th June, 1873, on the ground, that it was not made within the term specified by law.

I apprehend, consequently, that, so far as Spanish law is concerned, no further action can now be taken in the matter.

I have, &c.,

*Rt. Hon. A. H. Layard.*

THOS. F. READE.

*No. 86.—The Earl of Derby to Mr. Macdonell.*

SIR,

*Foreign Office, July 18, 1874.*

I HAVE referred to the Law Officers of the Crown Mr. Layard's despatch of the 15th ultimo, relative to the failure of justice in regard to the murder at Huelva, in July 1871, of Mr. James Frederick Robert; and I have to state to you, in reply, that I am advised that no further steps can properly be taken in the matter.

I am, &c.,

*H. G. Macdonell, Esq.*

DERBY.

*No. 87.—Mrs. Robert to the Earl of Derby.—(Received July 22.)*

*No. 1, Calle Nueva de San Fernando,  
Seville, July 15, 1874.*

MY LORD,

I BEG leave to represent to your Lordship, as the widow and representative of the late Mr. Frederick Robert, formerly of San Juan del Puerto, near Huelva, on my own behalf and that of our legitimate children, that our exertions and charges against the offenders and murderers of the above-stated husband, before the Courts of Justice at Huelva and Seville, not having hitherto produced the legal punishment of the murderers, and the definitive resolution of the Tribunal not having been given since the whole proceedings

and documents were ordered to be laid aside at the archives of the Court at Seville, to be opened again whenever the absconded criminal should be taken up; therefore, considering myself deprived, till such may be the case, of being received or heard at the Tribunal, I cannot perceive the day of receiving the redress and compensation my sufferings and utter destitution of my children deserve.

I have, therefore, to request that your Excellency may be good enough to take such steps as may be right under the circumstances, and may, as a special case of distress of wronged British subjects, instruct Her Majesty's Consul at Cadiz to treat this contingency in such a manner as may avoid my children being naked and forced to starve.

I have, &c.,

*The Earl of Derby.*

CARMEN H. ROBERT.

*No. 88.—Lord Tenterden to Mrs. Robert.*

MADAM,

*Foreign Office, July 29, 1874.*

IN reply to your letter of the 15th instant, I am directed by the Earl of Derby to state to you that his Lordship greatly regrets the apparent failure of justice that has taken place in regard to the death of your husband; but that, after full consideration and consultation with the Law Officers of the Crown, his Lordship has been advised that Her Majesty's Government can take no further steps in the matter.

Lord Derby therefore regrets that he is unable to comply with your request for assistance.

I am, &c.,

*Mrs. C. H. Robert.*

TENTERDEN.

*No. 89.—Mr. Layard to the Earl of Derby.—(Received November 1.)*

MY LORD,

*Madrid, October 21, 1875.*

THE circumstances connected with the murder at Huelva, of Mr. Robert, a British subject, are so well known at the Foreign Office that it is unnecessary for me to recapitulate them.

I received a telegram last week from Her Majesty's Consul at Cadiz, informing me that Juan Fernandez, the murderer, who had hitherto been in concealment, had presented himself to the Judge at Huelva; and that there was reason to fear that means had been taken to enable him to escape the punishment which he deserves.

I lost no time in speaking to the Count Casa Valencia on the subject; and I placed at the same time the inclosed Memorandum in his hands. He promised to communicate a copy of it to the Minister of Grace and Justice. I have very little hope that it will have the effect of bringing Juan Fernandez to justice; but I have thought it my duty to let the Spanish Government know that we have not forgotten the disgraceful case in which all the accomplices

in the murder were acquitted, and that we still insist upon the proper trial of the murderer himself.

I have the honour to inclose copy of a despatch relating to this matter, which I have received from Mr. Reade.

I have, &c.,

*The Earl of Derby.*

A. H. LAYARD.

*(Inclosure 1.)—Memorandum.*

IN the year 1871, a British subject, James Frederick Robert, was brutally assassinated at Huelva, by Juan Fernandez y Beltran, the son of the second Alcalde of that place. The murderer escaped. The Judge of Primera Instancia, who tried the case, deferred sentence until he should have been captured. His father, who had been an accomplice in the murder, was condemned to six years and one day penal servitude, and 4,000 dollars fine, to be devoted to the widow and children of the murdered man. The mother, who was also an accomplice, was acquitted. On the official physician, who had given a false certificate as to the cause of death, no sentence was passed. Upon appeal to the Superior Tribunal at Seville, the sentence of the Judge of Huelva was reversed, and all were acquitted except José Villegas Rebollo, another accomplice, on whom a fine of 10 pesetas was imposed. Juan Fernandez still remained in concealment.

A prolonged correspondence took place with reference to this case between this Legation and the Department of State, Her Majesty's Government having been greatly concerned at this notorious miscarriage of justice.

Juan Fernandez, the murderer, has now, it appears, presented himself before the Judge at Huelva; and there is reason to fear, unless orders be given from Madrid that the matter be treated with becoming severity, he will succeed in escaping the punishment he deserves. After the repeated promises made to Her Majesty's Government that the criminal, J. Fernandez, should be brought to justice, it cannot be doubted that such orders will be sent to the authorities at Huelva.

Madrid, October 15, 1875.

*(Inclosure 2.)—Consul Reade to Mr. Layard.*

SIR,

Cadiz, October 14, 1875.

By a despatch received this day from the British Vice-Consul at Huelva, I am informed that Juan Fernandez, the assassin of Frederick Robert, an Englishman, whose death took place at San Juan del Puerto in the month of July 1871, had presented himself before the Juez de Primera Instancia at Huelva for the purpose of

being tried upon the charge under which he has for so long a period lain.

It is further notified to me that Don Enrique Gomez, the representative of Mrs. Robert, the prosecutrix in this case, and other parties therein interested, had also been cited to appear before the said Judge, and did so appear at the same time as the criminal Juan Fernandez.

The unusual precipitation with which this case has been resumed leads me to fear that some undue influence or pressure is being brought to bear for the purpose of procuring the acquittal of the defendant.

To obviate, if possible, so scandalous a failure of justice, it has occurred to me that, subject to your Excellency's judgment, some special commands may with advantage be addressed by the Ministers of Grace and Justice, and of the Home Department, to the judicial and other authorities at Huelva, with a view to insure a just and satisfactory termination of this affair. I have accordingly forwarded to your Excellency the following telegram:—

“Juan Fernandez, murderer of the Englishman Robert, has presented himself before Judge at Huelva. Case against him resumed apparently with suspicious precipitation. Orders from higher authorities should, I think, be given for matter to be treated with becoming severity.”

I have, &c.,

*Bt. Hon. A. H. Layard.*

THOS. F. READE.

No. 98.—*Mr. Layard to the Earl of Derby.*—(Received January 28.)

MY LORD,

*Madrid, January 20, 1876.*

WITH reference to your Lordship's despatch of the 27th ultimo, and to previous correspondence on the subject of the murder of the British subject Robert, I have the honour to inclose a translation of a note which I have received from Señor Calderon Collantes, in reply to a memorandum which I placed in his Excellency's hands with regard to the advisability of the appointment of a special Judge to undertake the case.

I have not failed, in compliance with your Lordship's instructions, to remind Her Majesty's Consul at Cadiz that authority has already been granted by Her Majesty's Government for the employment of a lawyer to watch the case.

I have, &c.,

*The Earl of Derby.*

A. H. LAYARD.

(Inclosure.)—*Señor Calderon Collantes to Mr. Layard.*

SIR,

(Translation.)

*Palacio, January 4, 1876.*

I HAVE the honour to inform your Excellency that I have reminded my colleague the Minister of Grace and Justice of the

question of the Spanish subject Juan Fernandez, sentenced *in contumaciam* by the Court of Huelva, as being responsible for the murder of the English subject James Frederick Robert, which took place at San Juan del Puerto in 1871, in order that the circumstances under which he presented himself to the Court, the resolutions taken by the latter, and all other facts which might contribute to form a precise opinion with regard to the case, may be explained.

As regards the nomination of a special Judge to take fresh cognizance of this case, which your Excellency proposes as a means of avoiding any considerable delay in consequence of the excessive amount of work which presses on the Huelva Court, I have much regret in informing your Excellency that it is not possible to ask the Minister of Grace and Justice to adopt such a course, owing to the organic law of the judicial power being in opposition thereto, as it only permits the appointment of special Judges for the examination of cases which are in the "Sumario" stage, and not for such as have already gone through all the formalities, and which have been brought to an issue, as has been the one alluded to in the present note.

I avail, &c.,

*Rt. Hon. A. H. Layard.*

CALDERON COLLANTES.

*No. 101.—Mr. Layard to the Earl of Derby.—(Rec. March 11.)*  
(Extract.) *Madrid, March 6, 1876.*

WITH reference to the correspondence which has taken place with this Legation, respecting the trial of Juan Fernandez for the assassination of James Robert, I have the honour to inclose copy of a despatch from Her Majesty's Consul at Cadiz, forwarding to me a report from the British Vice-Consul at Huelva. Your Lordship will learn by them that the assassin has been acquitted by the Huelva Tribunal, and that only ten days are allowed to the widow to appeal against the sentence to the Superior Tribunal of Seville.

I have authorized Mr. Reade to send an advocate from Cadiz to act for the widow.

It was evident from the first that Juan Fernandez would be acquitted, and, had I not pressed the case here, it is probable that he would not have been tried at all, or the mere farce of a trial would have been gone through.

As soon as his political friends and protectors were supreme in Huelva, he returned to that place with impunity. On receiving Mr. Reade's despatch I went immediately to Señor Calderon Collantes, and represented to him the painful impression that this scandalous miscarriage of justice would make upon Her Majesty's Government. I urged his Excellency to write to Señor Bugallal, the Fiscal of the Supreme Tribunal, to ensure the proper trial of the

assassin, which he promised he would do at once. However, I regret to say that I have very little hope of justice being done in this case.

The manner in which the assassin, and all those who were concerned in the murder of Robert, have, after their first condemnation, been fully acquitted, offers one of the strongest instances, amongst the many that I grieve to say have been brought to my notice, of the difficulty, almost indeed amounting to the impossibility, of obtaining justice from them where a foreigner is concerned.

*The Earl of Derby.*

A. H. LAYARD.

(*Inclosure 1.*)—*Consul Reade to Mr. Layard.*

SIR,

*Cadiz, March 2, 1876.*

REFERRING your Excellency to my past communication on the subject of the trial of J. Fernandez, the murderer of the Englishman Robert, I regret to have to report that intelligence reached me this day from the Vice-Consul at Huelva to the effect that the above trial has terminated in the acquittal of the assassin.

I have accordingly transmitted to your Excellency the following telegram:—

“Trial of Fernandez terminated, assassin acquitted. Ten days only allowed for appeal to Seville. Have telegraphed offer to help widow, in case she may require assistance at Seville.”

From the inclosed translation of the Vice-Consul's despatch, in which the above information is conveyed, your Excellency will learn that only ten days are accorded to the widow of the murdered man to appeal against the sentence of the Huelva Judge to the higher Tribunal of the Audiencia of Seville.

Some little hope that the appeal may not be made in vain is afforded by the fact that Don Antonio Leon, the Magistrado who proceeded to Huelva in 1871 for the purpose of investigating the charges against the assassin's father, holds the appointment of Presidente de lo Criminal de la Audiencia.

Unless, however, some special interest in the case is manifested by the Supreme Authorities of the capital, even Don Antonio's influential voice will, I fear, be overborne by the machinations of the criminal's friends.

I have, &c.,

*Rt. Hon. A. H. Layard.*

THOS. F. READE.

(*Inclosure 2.*)—*Vice-Consul Diaz to Consul Reade.*

(Extract.)

(Translation.)

*Huelva, February 29, 1876.*

THE prosecuting attorney has just shown me a copy of the

sentence come to by this Judicial Court in the case of the murder of Mr. James Frederick Robert.

The Judge, in accordance with the opinions of the Fiscal (Attorney-General), has pronounced his sentence, acquitting Juan Fernandez y Beltran, declaring the expenses to be for the Government account, and allowing the widow ten days for appealing against his decision to the Audiencia of Seville, where the case is referred to for approval.

Ten days only are allowed for the appeal, and it is necessary that it should be made within this stated time, as, if it is presented afterwards, no further action in the case will be admitted.

The post is on the point of departure, and I do not wish to delay sending you this disagreeable information, in order that you may determine what is to be done at Seville.

*Thos. F. Beade, Esq.*

EDUARDO DIAZ.

*No. 106.—Mr. Layard to Señor Collantes.*

M. LE MINISTRE,

*Madrid, March 18, 1876.*

I MUCH regret to have to call your Excellency's attention to what I fear may lead to a very serious miscarriage of justice in the case of the trial of Juan Fernandez for the murder of James Frederick Robert, a British subject, which on several occasions I have brought to your Excellency's notice. The Huelva Tribunal passed a sentence on the 26th ultimo, acquitting Juan Fernandez of the charge against him. Ten days were allowed to the widow to appeal against the sentence to the Supreme Court at Seville. But it would appear, from the official information which I have received, that, on account of irregularities committed by the Judge of the Huelva Tribunal, this right of appeal was seriously obstructed and all but defeated. The sentence was not made known to the British Vice-Consul until three days after it had been passed. When, two days later still, the notice of appeal on the widow's behalf was given, the Judge declined to admit it on the plea that he had already forwarded all the papers in the case to the Audiencia at Seville. Upon the Judge being then threatened with a protest against his refusal to admit the appeal being recorded in the usual notarial form, he agreed to forward the appeal himself to Seville. But before all the necessary arrangements could be made to prosecute it, the ten days had almost elapsed. A note of the above-mentioned irregular proceedings of the Huelva Judge has now been recorded in the proings of the Audiencia at Seville.

I earnestly hope that your Excellency will think fit to send such peremptory instructions to the authorities at Seville as will secure

a fair trial in this case; otherwise, I much fear that the ends of justice will be defeated.

I avail, &c.,

*Señor Collantes.*

A. H. LAYARD.

No. 108.—*The Earl of Derby to Mr. Layard.*

SIR,

*Foreign Office, April 4, 1876.*

I HAVE received your despatch of the 18th ultimo upon the subject of the Robert murder, and I have to state to you that Her Majesty's Government approve of the steps which you have taken, as reported therein, with the object of obtaining the punishment of the murderer.

I am, &c.,

*Rt. Hon. A. H. Layard.*

DERBY.

**REGULATION of the European Commission of the Danube (Austria-Hungary, France, Germany, Great Britain, Italy, Russia, and Turkey) for the Navigation and Police of the Lower Danube, together with the Tariff of Dues to be levied at the Sulina Mouth.—Galatz, November 10, 1875.**

(Translation.)

I. The Revised Regulation of Navigation and Police for the Lower Danube.\*

II. The Revised Tariff of Dues to be levied at the Sulina mouth on and after the 1st March, 1871.†

III. The abrogation of the Regulation made on the 20th April, 1869, for the Registration of Lighters.

IV.—*Public Act relating to the Navigation of the Mouths of the Danube.*‡

(ANNEX A.)—REGULATION OF NAVIGATION AND POLICE APPLICABLE TO THE LOWER DANUBE.§

THE European Commission of the Danube,—

Referring to Article 112 of the Regulation of Navigation and Police applicable to the Lower Danube, dated the 2nd November, 1865,‡ and annexed to the Public Act relating to the navigation of the mouths of the said river, signed at Galatz the same day,

\* Vol. LXII. Page 540.

† Vol. LXII. Page 568.

‡ Vol. LV. Page 93.

§ This Regulation replaces that which was annexed, under letter A, to the Public Act of the 2nd November, 1865, as well as the Regulation of the 8th November, 1870 (see Article 154, page 669).



and ratified at the sitting of the Conference at Paris on the 28th March, 1866:\*

Whereas in conformity with the said Article 112 the above-mentioned Regulation has been modified in many of its provisions :

Whereas, also, new provisions have been enacted to meet requirements that were recognized subsequently to the putting in force of the said Regulation of the 2nd November, 1865 :

Whereas this diversity of Police Regulations of the Lower Danube prevents navigators from understanding readily and sufficiently such of the provisions as are binding on them :

And whereas in consequence thereof it is well to combine these provisions in one single Regulation, after having submitted them to a further revision :

Enacts the following Regulation :—

#### REGULATION OF NAVIGATION AND POLICE APPLICABLE TO THE LOWER DANUBE.

##### *General Provisions.*

ART. 1. The navigation of the Lower Danube below Isaktcha is placed under the control of the Inspector-General of the Navigation of the Lower Danube and of the Captain of the Port of Sulina.

These two Agents both officiate under the superintendence of the European Commission of the Danube ; their authority is exercised towards all flags alike without distinction.

2. The execution of the Regulations applicable to the Lower Danube is equally insured by the action of the vessels of war stationed at the mouths in accordance with Article XIX of the Treaty of Paris.

Each naval force on the station acts upon the vessels of its own country, or upon those whose flag it is called upon to protect, either in virtue of Treaties or usage, or in consequence of a general or special delegation.

In the absence of a vessel of war qualified to interfere, the authorities charged with the police of the river can have recourse to the vessels of war of the territorial Power.

3. The Inspector-General is specially charged with the police of the Lower Danube, exclusive of the Port of Sulina.

He is assisted by several Superintendents distributed over the different sections of the river under his jurisdiction.

4. The Captain of the Port of Sulina is charged with the police of the port and of the roadstead of Sulina.

In case of epidemic, and when quarantine is held at the Sulina mouth, the Captain of the Port is likewise charged with the police

in respect to vessels stationed to perform their quarantine above the port beyond the limit determined by Article 12 hereafter.

The Inspector-General exercises his ordinary functions in respect to vessels simply passing through that section of the river occupied by vessels performing quarantine..

5. The masters of merchant-vessels, to whatever country they belong, are bound to comply with the orders which are given to them by virtue of the present Regulation, by the Inspector-General, by the Captain of the Port of Sulina, or by Agents placed under their orders.

They are equally bound to state to them, when called upon to do so, their names, as well as the flags and names of their vessels, and to show to them their agreements with their crews, without prejudice to the provisions of Articles 10, 17, 23, and 74 hereinafter contained. (Art. 125.)

A special instruction, emanating from the European Commission of the Danube, regulates particularly the action of the Inspector-General and of the Captain of the Port.

6. Independently of the judicial functions exercised by them in the cases provided for in Articles 90 and 151 of the present Regulation, the Inspector-General and the Captain of the Port of Sulina decide summarily on disputes arising between captains and their crews, calling in the aid of two captains of the same nationality as the contending parties, or, in default of them, of two other captains.

They do not, however, exercise this part of their powers unless their interference is claimed by one of the parties concerned, and then only in the event of there being no other competent authority on the spot.

## **PART I.—Concerning the Police of the Sulina Roads and Ports.**

### **Chapter I.—Police Regulations for the Sulina Roads.**

7. The Sulina roadstead comprises the waters of the sea for a radius of two nautical miles round the head of the north pier.

8. Every vessel arriving in the Sulina Roads from seawards must hoist her national colours. (Art. 125.)

9. If she remains in the roads to ship or unload cargo, she must nevertheless obey the orders of the Captain of the Port and of his agents in everything relating to the navigation police. She is specially bound to conform to the provisions of the present Regulations contained in Part V, and having reference to the lighter service.

10. She must anchor at the place pointed out by the Chief Pilot or Deputy Chief Pilot of the Sulina Port. Within 24 hours after  
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anchoring, the captain or his chief officer must report himself, at the Port Captain's office, to present his ship's papers. (Art. 125.)

11. Boats belonging to vessels anchored in the roads are forbidden to cross the bar, and to ply in port during the night, without carrying a lighted lantern. (Art. 125.)

#### Chapter II.—*Police Regulations for the Port of Sulina.*

12. The Port of Sulina comprises the Sulina Branch for a space of three nautical miles up the river, starting from the opening of the channel formed by the heads of the piers at the mouth.

13. No sailing or steam-vessels of more than 100 tons register may cross the bar of Sulina, either entering from the sea or leaving the river, without having on board a pilot licensed by the local authorities. (Art. 133.)

This clause, however, does not apply to steamers that make periodical voyages, which are permitted to employ their own pilots.

Vessels of not more than 150 tons register, crossing the Sulina Mouth in ballast, are also exempted from the necessity of taking a licensed pilot.

The pilot service is regulated by special provisions under Part IV of these present Regulations.

14. No vessel is permitted to enter or leave the Port of Sulina without hoisting the national colours. The port authorities will not allow any vessel without a flag to pass. (Art. 125.)

15. If, owing to stormy weather, the Sulina bar is judged impracticable by the Captain of the Port, a blue flag is hoisted on the tower of the lighthouse, to show that the pilots are unable to go out to vessels in the roadstead.

16. Captains must anchor in the berths pointed out to them by the port officials, and must change their anchorage when required by the said authorities, should it be considered necessary.

Steamers of more than 130 feet in length, as well as convoys in tow, on arriving from above, are forbidden to turn in any section of the Sulina Port that is occupied by other vessels. (Art. 125.)

17. Captains must then present themselves within 24 hours at the office of the Captain of the Port, to produce there their ships' papers. (Art. 125.)

They are equally bound, with the exception hereinafter provided for, to present their papers to the Director of the Navigation Cash Office at Sulina, who affixes to the roll of the crew of each vessel entering the Danube waters, of whatever tonnage she may be, a stamp bearing these words: "Commission Européenne du Danube, Caisse de Navigation de Soulina," the date of the year, and her serial number.

Nevertheless the captains of steamers making regular voyages are not bound to carry out this formality, except on the occasions of their first voyage in each annual season, or of their first entry into the Danube. (Art. 126.)

If vessels entering the river from the sea do not remain more than 24 hours at Sulina, the ships' papers are immediately restored to the captains after the accomplishment of the prescribed formalities; in the contrary case, they remain deposited at the office of the Captain of the Port, by whose agency they are transmitted, if required, to the competent Consular authority; save and except in this case the roll of the crew must always remain on board the vessel. (Art. 126.)

18. After having cast anchor, vessels are to moor by cables to the posts fixed for the purpose along the two banks, or to vessels already moored.

In the latter case, vessels must never be moored more than three abreast from alongside either bank.

Vessels must take in their booms and jib-booms, which in no case may be used for mooring boats. During the whole period of remaining at anchor the yards must be braced fore and aft. (Art. 125.)

19. Small coasting vessels, as well as lighters, are forbidden to move about the port during the night. Boats belonging to the port or to merchant-vessels may not ply during the night without carrying a lighted lantern. (Art. 125.)

20. It is prohibited to heat tar or pitch on board vessels inside the port. Captains are bound to see that no lights whatever are used on board their vessels other than glass lamps or lanterns. (Art. 125.)

21. The captain of every vessel arriving in the Port of Salina with a cargo consisting wholly or partially of petroleum, gunpowder, mining-powder, or other explosive material, must immediately make a declaration to this effect to the "bossman," or pilot, before anchoring, and must produce the permission to import gunpowder, with which he must be provided. (Art. 127.)

22. Vessels having petroleum on board may only anchor in the lower part of the port, on the left bank, and below all other vessels. They are forbidden to moor or to cast anchor in any other section of the port. (Art. 127.)

Vessels which have on board explosive material are bound to anchor at the upper end of the port, above all other vessels, and they must carry a red flag at the mizenmast head.

23. Before leaving the port to put to sea, captains must present themselves at the office of the Captain of the Port, to produce their ships' papers.

They are equally bound, with the exception of the captains of the postal steam-packets making periodical voyages, to present their papers to the Director of the Navigation Cash Office, who then cancels, by a cross stamp, the stamp previously affixed to the ship's muster-roll at the time of her entry, in accordance with Article 17 hereinabove. (Art. 125.)

The muster-roll will not be returned to the captain until he has produced his bill of lading, should his vessel leave the river fully laden; but for such as take in or complete their cargo in the roads, the bill of lading may be replaced by a manifest certified by a Consular or local competent authority, stating the nature and quantity of the cargo to be shipped.

This manifest must in like manner be produced before the ship's muster-roll can be returned.

After the payment of the navigation dues fixed by the Tariff in force at the Sulina Mouth, and the payment or deposit of the fines, if any, inflicted in virtue of the present Regulation or of the above-mentioned Tariff, the muster-roll must be presented at the office of the Captain of the Port, where the last revision will always be made for vessels about to leave the river, and the clearance is then given which allows the vessel to put to sea.

24. The captain of every vessel who, owing either to accident or to contrary winds, seeks shelter in the port, or who is obliged to re-enter it after having put to sea, is bound to report himself within 24 hours of his entrance, at the office of the Captain of the Port.

He must also then show his muster-roll to the Director of the Navigation Cash Office. It will be immediately returned to him. (Art. 128.)

25. Vessels entering the Port of Sulina under one of the conditions mentioned in the preceding Article can only anchor in the lower section of the port, in the berth allotted them by the "boss-man," or pilot. (Art. 128.)

### Chapter III.—*Provisions common to both Roadstead and Port of Sulina.*

26. Article 73 of these present Regulations, which forbids the throwing out of ballast, except at stated places, has particular reference to the Roadstead and the Port of Sulina, properly so called.

27. Every vessel anchored in the Port or Roads of Suliña that does not already carry her name on some part of her hull outside, is bound to have it fixed in large letters on her stern, where it may be easily seen, for so long a time as she remains at anchor. (Art. 125.)

28. It is forbidden, without the authority of the Captain of the Port, to remove anchors, chains, and other articles abandoned in the Port and Roadstead of Sulina.

The anchors, chains, and other articles abandoned by vessels navigating the Lower Danube below Isaktcha, and above the upper limit of the Port of Sulina, as designated in Article 12 of the present Regulation, cannot be removed by any person whatever, without a written authority from the Inspector-General of the Navigation.

The Inspector-General delivers, if necessary, this authority, and regulates the mode of recovery, as also the destination of the articles abandoned, according to the form prescribed for gear abandoned at the mouth of the Sulina by paragraph 12 of the Instructions for the Captain of the Port of Sulina, enacted by the European Commission on the 5th July, 1871, in pursuance of Article 9 of the Public Act of 2nd November, 1865.

The Inspector-General gives judgment, in the first instance, on the offences committed against these enactments.

Articles 147 to 153 (inclusive) of the present Regulation are applicable to these same offences, particularly as regards appeal. (Art. 125.)

29. In case of a vessel stranding, of shipwreck, as well as in cases of damage, the Captain of the Port of Sulina will immediately give the promptest assistance to save the vessel, her cargo and gear, and to protect the general interests of the navigation; after which he divests himself of the administration of the salvage, and forwards all the documents drawn up by him to the nearest competent authority.

## PART II.—*Concerning the River Police.*

### Chapter I.—*General Regulations.*

30. Every captain or master of a sailing or steam-vessel in the act of navigating or stationary, whether at anchor or moored to the bank, is bound to take care that his vessel causes neither hindrance to the navigation, nor damage, whether to other vessels or to landing jetties, buoys, signals, towing-paths, or other establishments placed on the river or its banks for the benefit of the navigation, and he is to attend to the preservation of his own vessel with the same care.

Vessels navigating or stationary in the Sulina Branch are bound to carry their anchors suspended freely from the cat-heads, without making them fast to the bulwarks.

Persons charged with conducting floats of wood and rafts are equally bound to take the same precautions as vessels. (Art. 129.)

### Chapter II.—*Regulations for Vessels crossing or passing one another.*

31. As a general rule, vessels are forbidden to pass one another

if going in the same direction, and two vessels sailing in opposite directions may not cross in places where the channel does not afford sufficient breadth. (Art. 129.)

32. No vessel may steer across the course taken by another vessel in such a manner as to impede it in its way.

When a vessel ascending the river finds itself exposed to meeting a vessel descending at a point which does not afford sufficient breadth, she must stop below the passage till the other vessel has cleared it; and if the ascending vessel should be actually in the passage as the other approaches it, the descending vessel must cast the anchor which she is bound to carry always in readiness astern, and stop above until the passage is clear. (Art. 129.)

33. In the bends of the Sulina Branch, and in narrow passages in general, steam-vessels must not approach closely vessels which precede them. (Art. 129.)

34. When two steam-vessels, or two sailing-vessels sailing with a favourable wind, meet whilst proceeding in different directions, the one ascending stream must steer towards the left bank, and the vessel descending towards the right bank, so that both go to starboard, as is customary at sea.

It is the same when the meeting takes place between a steam-vessel and a sailing-vessel navigating with a fair wind.

Any captain or master breaking this Regulation will have to prove, in the event of a collision, that it was impossible for him to observe it, in default of which he will be responsible before the competent tribunal for all accidents which may have happened.

He is moreover bound to give the signals prescribed by Articles 36 and 37 following. If two steam-vessels give the same signal simultaneously, the signal of the descending vessel rules. (Art. 129.)

35. When two steam-vessels, proceeding in different directions, are approaching a curve in the river, they must give the signals prescribed by Articles 36 and 37 following, and the ascending vessel must stop until the other has cleared the passage. (Art. 129.)

36. When one steam-vessel wishes to pass another going in the same direction, it must signal before arriving at a short distance by means of five strokes on the bell, or five whistles, and by waving a flag on the forecastle, or by hoisting half-mast a blue flag by day, or a white light at night.

Upon these signals the vessel in advance is bound to steer to the left, and give passage to the other, which will take the right. As soon as the vessel following is half a ship's length from the one she is about to pass, or from the tail of a convoy in tow, the latter must slacken speed until she has been passed. (Art. 129.)

37. A sailing-vessel coming up with another of inferior sailing powers, and desiring to pass her, must signal her intention in good

time by hailing the vessel in advance, which shall be required to let her pass to windward. (Art. 129.)

A steam-vessel wishing to pass a sailing-vessel going in the same direction as itself will be required to give the signals prescribed by Article 36, within a short distance, and must pass the sailing-vessel to leeward.

38. Steam-vessels going down stream are to slacken speed at the points where the river describes sharp curves, until a clear passage is visible from the stern of the vessel. If any other vessel should be in the bend, the steamer must signal its approach by sounding its whistle. (Art. 129.)

39. Every steamer, whether ascending or descending the river, is bound to avoid vessels which it may meet dropping down with the current.

The vessel so dropping down is required, on its part, when it meets other vessels, whether under sail or steam, to steer parallel to the banks, so as to offer as little obstacle as possible to a free passage. (Art. 129.)

40. Vessels tacking must take care not to get in the way of steamers. (Art. 129.)

41. Captains or masters of vessels heavily laden, or of laden vessels of less than 60 tons register, are required to keep as much as possible out of the way of steamers which may meet or come up with them.

Captains of steamers are bound, on their part, when passing near vessels of the kind mentioned in the preceding paragraph, to slacken speed, or stop completely in case of danger to the said vessels, if they can do so without danger to themselves, or to the vessels they may have in tow. (Art. 129.)

42. Captains or masters of tugs, navigating with or without vessels in tow, are bound to observe all the preceding provisions; they are, moreover, specially bound to obey the injunctions of Articles 36, 37, and 38, when one convoy wishes to pass another, the which case excepted, two convoys must never be side by side, either at anchor or navigating in company.

In the event of meeting sailing-vessels or steamers going down stream, a tug going up has the option of deviating from the injunctions contained in the above Article 34, in order to keep out of the current, if she can do so without danger to the vessel she is meeting. The tug is moreover bound, if she avail herself of this permission, to give the signals prescribed by the above Articles 36 and 37. (Art. 129.)

43. As a general rule, any steam-vessel not towing a convoy, as well as every vessel sailing with a fair wind, is bound to give passage to a convoy of vessels in tow. In default of sufficient space for



doing this, captains and masters, both of tugs and vessels in tow, are bound, even in cases where the signals prescribed by the preceding Articles 36, 37, and 38, have not been given, to draw aside, agreeably to the provisions of the said Articles, and to arrange in single file the vessels in tow.

Captains and masters of tugs and vessels in tow are, moreover, required in all cases of meeting other vessels to close together as near as possible, so as to leave to the others a sufficiently wide passage.

Paddle-wheel steamers, when navigating in the Sulina Channel, must not lash alongside them the vessels they have taken in tow. It is altogether forbidden to navigate in the said Channel with more than two vessels lashed abreast. (Art. 129.)

44. If two vessels, tracking in opposite directions, meet at the side of the same bank, the one going up stream must stand out to let the other pass.

If a vessel tracked by draught animals comes up with one tracked by men, the latter must allow the former to pass.

In the case of a vessel tracked coming up with one moored to the bank, the captain of this latter must allow the sailors belonging to the tracking vessel to come on board to carry over the tracking rope. (Art. 129.)

45. No attempt is to be made to pass a vessel tracked from the shore, unless it be by steering between her and the bank opposite the one from which she is being tracked. Vessels, when tracked, are bound on their part, upon the signals prescribed by Articles 36 and 37 preceding, to keep as near as possible to the bank which they are skirting. (Art. 129.)

46. In obeying and construing the rules laid down in the preceding Articles 31 to 45 inclusive, due regard must be had to all dangers of navigation, and due regard must also be had to any special circumstances which may exist in any particular case, rendering a departure from the above rules necessary in order to avoid immediate danger.

### Chapter III.—*Rules relative to Tracking from the Banks.*

47. The paths that follow both banks of the Danube are specially intended to be used for the tracking of vessels either by men or draught animals; foot-passengers and carriages can also make use of them.

48. The towing-path outside the ports must have a width of 20 feet at least, measuring from the ordinary river bank. It must be free from all obstacles that can impede its use, such as bushes, trees, inclosures, houses, and other erections. (Art. 129.)

49. The establishment in the river, and especially near the banks, of boat mills, irrigating wheels and other similar constructions, is

forbidden, without a formal permission from the authority in charge of the river police. (Art. 129.)

50. It is expressly forbidden to dig ditches across the towing-path, unless the proprietor of the ground undertakes to bridge over any such obstructions. (Art. 129.)

51. Mooring-posts having been fixed along the Sulina, captains and masters must avoid driving stakes or fixing anchors on the towing-paths for the purpose of mooring their vessels. (Art. 129.)

#### Chapter IV.—*Rules for Navigating at Night, or in a Fog.*

52. All steam-vessels navigating during the night (between sunset and sunrise) must be furnished with a white light, easily visible at a distance of at least two miles, hoisted at the foremast head, a green light on the starboard side, and a red light on the port side.

The said green and red lights shall be fitted with inboard screens, so as to prevent these lights from being seen across the bow.

Sailing-vessels under weigh, or being towed, shall carry the same lights as steam-vessels under weigh, with the exception of the white foremast-head light, which they shall never carry. Steam-vessels, when towing other ships, shall carry two bright white mast-head lights vertically, in addition to their side lights, so as to distinguish them from other steam-vessels.

In the application of the rules prescribed in this Article, every steam-vessel which is under sail, and not under steam, is to be considered a sailing-vessel; and every steam-vessel which is under steam, whether under sail or not, is to be considered a vessel under steam.

Rafts navigating during the night must carry a white light at each of their angles, and three white lights at the mast-head, placed one above the other. (Art. 129.)

53. Sailing-vessels, convoys in tow, and rafts may not navigate when both banks of the river cannot be seen at the same time. (Art. 129.)

54. In a fog, steamers may not navigate except at slackened speed. The bell on board must be struck without intermission, whilst a whistle must be sounded every five minutes. They are bound to drop anchor if the fog becomes so thick that they cannot see the bank they are following, or towards which they are steering. (Art. 129.)

55. Vessels are forbidden to leave their hawsers across the stream during the night, or in foggy weather. (Art. 129.)

#### Chapter V.—*Rules for Vessels at Anchor.*

56. Vessels are expressly forbidden to drop anchor or to moor in

the channel of navigation. Except in the case provided for by Article 75, hereinafter, it is equally forbidden to moor or to anchor vessels in the concave bends of the river, even alongside the banks, or at any part of the banks situated between two posts bearing the sign of a reversed anchor, under pain of being responsible for all damage that their presence there may occasion.

Outside the ports, two or more vessels may never be anchored or moored abreast of one another alongside the towing-path. (Art. 129.)

57. If, in consequence of a fog, a vessel or raft is obliged to stop at any other than a regular mooring-place, the bell on board must be struck if the vessel is a steamer; if not, the fog-horn must be used.

These signals must be repeated every five minutes. (Art. 129.)

58. Every vessel stopping in the river during the night must be furnished with a lighted lantern, which should be placed either at the end of one of the main yards, or on any other visible part of the vessel, on the side towards the channel, in such a manner that it may be seen equally well both up and down the stream.

Rafts stationed at anchor during the night must carry the lights prescribed by the last paragraph of the above Article 52—except the lights of the two angles next the bank, which they are bound to remove. (Art. 129.)

59. When a vessel, for the purpose of mooring, or getting off a bank, as provided for in Chapter VII following, is obliged to stretch a cable or chain across the channel, these moorings must be promptly slackened the moment another vessel wishes to pass. (Art. 129.)

#### Chapter VI.—*Special Rules for Rafts.*

60. Rafts and floats of timber, when they descend the Sulina Branch, can only have a draught of water at least two feet less than the depth of water on the shallowest shoal in the said branch. (Arts. 130 and 148.)

61. Rafts and floats that have a greater draught of water than 9 feet English, or a greater width than 40 feet, as also all rafts intended for a sea voyage, whatever may be their dimensions, are forbidden to navigate in the Sulina Branch, except in tow of a steamer.

In no case can the rafts or floats of timber descending the Sulina Branch, and drawing 9 feet or more of water, have a greater width than 50 feet. Each raft or float of timber having a greater width is obliged to forego the descent of the said branch upon the requisition of the River Police Agents, and to reduce its dimensions to the limits fixed above, without prejudice to the application of the fine

imposed by the second paragraph of Article 130 of the present Regulation. (Art. 130.)

62. Rafts and floats not in tow are forbidden to navigate in the Sulina Branch during the night, that is to say, between sunset and sunrise. (Arts. 130 and 148.)

63. Every raft or float grounded in the Sulina Branch, that is not set afloat again within 24 hours, may be lightened and taken to pieces even, should it be necessary, by the agents of the river police, at the expense of the owner.

#### Chapter VII.—*Rules for Cases of Stranding and Shipwreck.*

64. Every captain or master of a vessel or raft grounded in the Sulina Channel is bound to station at a convenient spot, at least half a nautical mile above his vessel, a look-out, charged with hailing vessels and rafts coming down stream, to acquaint them with the nature and place of the accident.

Should a vessel happen to ground while under sail or steam, the captain is bound to hail vessels nearing him to inform them of the fact before they get too close. (Art. 129.)

65. Steam-vessels must go at half-speed only whilst passing places where a vessel or raft has run aground or foundered. (Art. 129.)

66. Every shipwreck in the Sulina Channel is regarded with suspicion (extraordinary cases excepted), and is presumed, until the contrary has been proved, to be owing to negligence or evil intent on the part of the captain or crew of the wrecked vessel.

The pilot of the vessel is personally responsible for the wreck if caused by bad management.

67. If, contrary to all probability, a vessel should be wrecked in the Sulina Channel, the captain is bound to use every effort to haul her immediately alongside one of the banks, so that she may not remain in the channel.

The captain of the wrecked vessel and his crew are bound to remain on board, or on the bank near the spot where the accident took place, until the report mentioned in Article 68 following has been drawn up.

They are forbidden, under any pretext whatever, to remove any part of the ship's cargo, stores, anchors, chains, cables, &c.

68. Immediately after the wreck, the pilot of the vessel must, as promptly as possible, acquaint the Inspector-General with the news, by means of the Superintendents of Police. The Inspector-General will proceed at once to the spot, and will draw up a detailed report of the accident, which he will forward to the competent authority.

69. If the Inspector-General judges it necessary to take immediate measures in the interest of the navigation, he will summon for

this purpose the captain of the wrecked vessel, who is bound either to declare on the spot that he abandons his vessel, or to act with his crew under the orders of the Inspector-General; the latter will superintend the salvage up to the point where the work ceases to be of public utility, and has become an affair of private interest.

The vessel whose salvage has been effected by the help of the authorities charged with the river police is liable for the payment of a sufficient sum to cover the salvage expenses, and the keeping in repair the gear used for such purposes.

70. The works undertaken by owners, insurers, and interested parties, with the object of effecting the salvage of wrecked vessels and their cargoes, must be carried out under the superintendence of the Inspector-General, or of his agents, and they may be temporarily suspended if considered to be of a nature likely to cause any hindrance whatever to the navigation.

71. If, besides the case of pressing necessity provided for in the above Article 69, the removal of the carcase or remains of a wrecked vessel is considered necessary, the owners, insurers, or other interested parties are bound to accomplish it within a month from the time of receiving notice to this effect, in default of which the work may be officially performed by the Inspector-General within the limits determined above in Article 69. In this case the wrecked vessel with its equipments, or what remains of them, are specially affected to the payment of the expenses of removal.

72. In cases of damage, particularly if caused by collision, the Inspector-General, if he is able to prove the facts of the case, and if he is called upon to do so by one of the parties concerned, will draw up a report of the same, which will be forwarded to the competent authority.

#### Chapter VIII.—*Rules for the Discharge of Ballast.*

73. Vessels are strictly forbidden to throw their ballast overboard into the river or on the roadstead of Sulina; they are in like manner forbidden to discharge ballast into the parts of the sea in the neighbourhood of the roadstead, in less than 10 fathoms.

The landing of ballast above the Port of Sulina can only be carried on at the points of the river bank appointed by the Inspector-General of Navigation, and made known by public notice.

The Captain of the Port of Sulina appoints the places where ballast can be discharged in the port.

The discharged ballast must in every case be transported to such a distance that the foot of the heap shall be at least 20 English feet from the edge of the proper river bank, and it must not be heaped up to a greater height than 4 feet above the bank level.

The provisions of this Article are equally applicable to the

throwing overboard of the cinders and ashes of steam-vessels. (Art. 131.)

74. To ensure as far as possible the fulfilment of the preceding Article, every vessel leaving the Port of Sulina in ballast, for a port higher up the river, must be provided with a certificate from the Captain of the Port, stating the draught of water caused by her ballast.

This certificate must be kept on board during the whole voyage up the river, to be produced upon every demand of the Inspector-General, or of his agents. (Art. 129.)

### PART III.—*Concerning the Police of the Port of Toultscha.*

75. Every vessel lying at Toultscha must be moored to the right bank of the river. It is, however, to be understood that there shall never be more than three vessels moored abreast. (Art. 132.)

76. No vessel may drop anchor in the navigable channel off Toultscha, that is to say, on the right of the bollards and red buoys fixed along the left bank of the river, nor between the posts on the right bank bearing the sign of an anchor reversed. (Art. 132.)

77. Vessels are permitted to haul on the bollards and buoys to help them to double the Toultscha bend, but in no case are they allowed to use them as mooring-posts. It is understood that this provision does not apply to steamers making periodical voyages, which stop for a short time only off Toultscha.

It is also forbidden that two or more vessels haul on one buoy at the same time. (Art. 132.)

### PART IV.—*Concerning the Pilot Service at the Mouth and in the River.*

#### Chapter I.—*Pilot Service at the Mouth.*

78. Pilotage at the river mouth being compulsory, as stated in Article 13 of these present Regulations, a special corps of licensed and responsible pilots act at Sulina, under the direction of a chief pilot and of the Captain of the Port.

The licence of a pilot is delivered by the Captain of the Port, and must receive his *visa* every year; it ceases to be valid if the annual *visa* is wanting.

79. A boat is held in readiness to take the pilots on board vessels which approach the port from the sea as soon as the look-out on the lighthouse tower signals their arrival.

Pilots are bound to go a mile to seaward of the head of the north pier to meet vessels.

80. As soon as a pilot boards a vessel he must acquaint her captain with the depth of water over the bar channel, and, in return, the latter is bound to state to the pilot the draught of water of his

vessel, and the proportion of cargo which she has on board. This proportion is made known without delay by the pilot to the Captain of the Port. (Art. 134.)

81. Every pilot, not belonging to the Sulina corps, who happens to be on board a vessel prepared to cross the bar, is bound, immediately on the arrival of the local pilot, to give up to him entirely the direction of the ship. (Art. 134.)

82. On leaving the river the local pilot is bound to conduct the vessel to at least a quarter of a mile to the east of the north pier head.

83. The pilot dues, as well for entry into the river as for departure, being comprised in the navigation dues levied at Sulina, it is forbidden to pilots of the first class to receive any remuneration from the captains whose vessels they have piloted.

#### Chapter II.—*River Pilotage.*

84. Independently of the corps of pilots charged with piloting vessels in the channel of the Sulina Mouth, and acting under the direction of the Captain of the Port, there is a special service of pilots, likewise licensed, for merchant-vessels navigating the river between Sulina and Ibraila.

The corps of river pilots is placed under the authority of the Inspector-General of the Navigation, by whom the licence of the pilot is delivered.

This licence must each year receive the *visa* of the Inspector-General, and ceases to be valid if the accomplishment of this formality is wanting.

The pilotage service is directed by a chief pilot, who is bound to have three offices—at Galatz, at Ibraila, and at Toultscha—and by a deputy chief pilot residing at Sulina.

The licensed pilots of the river service alone have authority to pilot vessels during their navigation between Sulina and Ibraila, as well ascending as descending; but they are forbidden, excepting those of the steam-packets making periodical voyages, to pilot them in the channel of the Sulina Mouth.

River pilots, provided with a special licence for the Sulina Mouth, are, however, authorized to act as bar pilots, when required to do so by the port authorities. (Art. 135.)

85. Merchant captains ascending the river are not bound to take a licensed pilot when they make the voyage themselves on board their vessels, but the deputy chief pilot at Sulina, set over the River Pilot Service, is obliged to procure them one, even in this case, if they require it.

For descending the river every merchant-vessel of more than

100 tons register, as well as every raft of timber, must take a licensed pilot of the second class.

The same obligation exists for vessels of more than 100 tons register ascending the river without a captain or master on board. (Art. 133.)

86. The up-voyage commences from the time the vessel leaves the Port of Sulina to ascend the river, and terminates with the arrival of the vessel either at its port of destination or at Ibraila, when she is bound for a port above this latter, or for Matchin.

The down-voyage commences at Ibraila, or on leaving the port where the vessel has taken her cargo, or clearance if she goes down empty, in the case where the port is situated below Ibraila. It terminates when the vessel takes her anchorage in the Port of Sulina.

Vessels sailing from Matchin, from Podbachi, or a port above Ibraila, must take their pilot when passing Ibraila; those sailing from the ports of Reni or Ismail have the option of providing themselves with a pilot when passing Toultscha.

87. Captains will arrange with the river pilots the sum to be paid the latter for the pilotage up-stream. In case of dispute, however, on this point, the port authorities will not admit any claim on the part of pilots for a higher rate of wages than 6 fr. a day for the voyage, in addition to subsistence on board, for the pilotage of a sailing-vessel. These wages may be raised to a maximum of 100 fr. a-day for the pilots of steam-vessels.

With regard to the compulsory pilotage of the voyage down-stream, its dues are fixed as follows.—

Sailing-vessels of more than 100 tons, and not exceeding 150 tons, will pay—

For the passage from Galatz, or from a port situated above this point, to Sulina, 110 fr. ;

For the passage from Reni or Ismail to Sulina, 90 fr. ;

And for the passage from Toultscha to Sulina, 60 fr.

Sailing-vessels of more than 150 tons, and not exceeding 250 tons, as also rafts or floats of timber, will pay—

For the passage from Galatz, or from a port situated above this point, to Sulina, 125 fr. ;

For the passage from Reni or from Ismail to Sulina, 100 fr. ;

And for the passage from Toultscha to Sulina, 75 fr.

Sailing-vessels of more than 250 tons will pay—

For the passage from Galatz, or from a port situated above this point; to Sulina, 50 c. per register ton ;

For the passage from Reni or Ismail to Sulina, 40 c. per ton ;

For the passage from Toultscha to Sulina, 30 c. per ton.

Steam-vessels pay only the half these dues; and those who



make their voyages between the ports of the Danube and the ports of the Black Sea or of the Bosphorus may be freed from them, provided that the ship's pilot is furnished with a licence as a river pilot.

The chief pilot of the river service levies on the amount of the due paid by each sailing-vessel a sum determined as follows :—

3 fr. for vessels of more than 100 tons, and not exceeding 150 tons;

4 fr. for vessels of more than 150 tons, and not exceeding 250 tons, as also for rafts or floats of timber;

And 2 c. per ton for vessels of more than 250 tons.

This levying is applied also to such of these vessels as have permanent pilots, and which are exempt from the payment of the said dues.

The surplus of the dues belongs to the pilots.

These dues are paid into the hands of the Director of the Navigation Cash Office at Sulina, who alone can give a valid receipt for them; it is allowable, however, to the captain of the vessel piloted to pay directly to his pilot the half of the due, as an advance.

When vessels employed as lighters restore to the vessels lightened by them the goods they took on board, without accompanying them so far as Sulina, the pilot of the lighter is entitled to receive the whole of the sum due to him, as soon as the lightened goods have been reshipped.

The proportion due to the chief pilot of the wages of pilots who conduct sea-going vessels acting as lighters is fixed at 3 fr., whatever may be the tonnage of the vessel piloted; it is paid to the chief pilot on the delivery of the certificate of embarkation, either by the pilot himself or by the captain, who in this case retains the amount from the pilot's wages.

The calculation of tonnage for the payment of the river pilotage due for vessels of more than 250 tons is made according to the rules laid down by the Tariff of Navigation Dues in force at the Sulina Mouth.

88. Every pilot of the river service who shall leave the Danube to pilot a vessel at sea is bound before so doing to show his licence to the deputy chief pilot of the said service, who will put a *visa* on it, stating the date of his leaving the river.

The same formality must be observed on his re-entering the river. (Art. 135.)

89. The captain who has taken on board a licensed river pilot does not, even in the case where the pilotage is compulsory, remain the less responsible for the observance of the regulations of navigation and police in force upon the Lower Danube, and especially of Articles 30 and 44 of the present Regulation.

The responsibility of the pilot is limited to the indication of the navigable channels and of the particulars of the river navigation. Consequently, the captain who abandons to his pilot the direction of his vessel does so upon his own responsibility.

Chapter III.—*Provisions common to the Pilot Service of both Mouth and River.*

90. The Inspector-General and the Captain of the Port of Sulina, each within the limits of his jurisdiction, will decide disputes arising between licensed pilots and merchant captains, in the event of their intervention being demanded by the latter.

91. Licensed pilots are bound to report, either to the Inspector-General or to the Captain of the Port of Sulina, all infractions of the Regulations committed in their presence.

They are forbidden to have any interest, either directly or indirectly, in any operation or contract connected with lighters, the object of which is to get afloat a vessel aground, except in the case where the operation has been undertaken by the job for the whole duration of the voyage.

92. Any pilot who shall from incompetency or evil intent be the cause of a collision, of grounding, or of wreck, shall be discharged; without prejudice, however, to the civil action which those interested may bring against him in the proper Courts.

If the circumstances causing the accident are such as to entail criminal proceedings, the pilot will be delivered up to the proper authorities to be tried according to law.

PART V.—*The Lighter Service.*

Chapter I.—*General Rules.*

93. Lighterage operations are divided into two classes:—

(1.) Local lighterage effected by a sea-going vessel, which, in order to cross the Sulina bar (either on entering or leaving the river), or a shoal in the interior, discharges the whole or part of its cargo into a smaller vessel in order to re-ship it after having cleared the obstacle.

(2.) Coasting lighterage performed by sailing-vessels, or by steam-vessels and towing lighters which take a cargo in a port of the Danube and consign it to a sea-going vessel anchored in the port or roadstead of Sulina.

94. No one can undertake lighterage operations without having previously entered at the office of the Inspector-General of the Navigation at Toultscha the vessels intended to act as lighters, or without having provided himself, for each vessel, with a licence delivered by the Inspector-General, and which must always be forthcoming on board. (Art. 137.)

Before delivering the licence, the Inspector-General causes the vessels intended to act as lighters to be visited by a Commission, which judges whether they are in good condition, and ascertains at the same time their capacity in registered tons and their burden in Imperial quarters.

The licensed lighters are bound to submit themselves every year to a fresh visit, the period of which is fixed by the Inspector-General: if the result of the examination is deemed satisfactory, the Inspector-General notes it on the licence of the lighter; in the contrary case, the licence is withdrawn until the necessary repairs have been made. (Art. 138.)

Lighters (whether sailing or steam-vessels) must have no empty space in the hold, except such as is duly recognized at the examination previous to granting the licence. (Art. 139.)

95. Vessels provided with regular ship's papers can be temporarily employed for lightening other vessels, upon condition that the captains make for each operation a special declaration to the Inspector-General of the Navigation, if the lighterage is to be effected over the shoals of the Sulina Branch, or to the Captain of the Port of Sulina if the lighterage is for the passage of the Mouth. This declaration is accompanied by the deposit of all the papers of the vessel intended to act as a lighter, except the muster-roll of the crew.

Nevertheless, the masters of vessels employed exceptionally as lighters for the river voyage are exempted from the observance of the formalities enjoined in the preceding paragraph in case the said vessels perform this voyage in tow of a steamer.

If the vessel acting as lighter is towed by the steamer to the cargo of which the lightened merchandize belongs, the master of the vessel acting as lighter is simply bound to present himself at the end of the voyage to the Captain of the Port of Sulina, and to hand him a certificate signed by the captain of the steamer, establishing that the lightened merchandize has been delivered complete to him. Vessels having acted as lighters which leave the Port of Sulina cannot have their clearance papers rendered to them by the Captain of the Port before the delivery of this certificate.

If the vessel employed as lighter is towed by a tug in company with the vessel whose cargo is lightened, the master of the former is bound to carry out the formalities imposed by Articles 104 and 105 hereinafter contained, on masters of vessels performing lighterage or coasting operations.

If the vessel employed as lighter has entered the river with more than the third of her cargo, the dues owing for entry become demandable immediately after the first lighterage operation.

No vessel, however, not entered as a lighter can be employed in this capacity during more than four consecutive months from the

first operation, excepting after fulfilling the formalities prescribed by Article 94.

96. Every master of a licensed lighter is compelled to deposit 600 fr. (24*l*.) which is paid into the Navigation Cash Office at Sulina. This deposit may be replaced by the liable security of a person well known to be solvent, resident in one of the ports of the Lower Danube.

The licence cannot be delivered by the Inspector-General before the deposit has been made, or the security accepted.

The deposit cannot be returned or the security discharged as long as the vessel continues to act as lighter. This deposit may be appropriated to the payment of the pecuniary fines pronounced against the master of the lighter, and, in this case, the licence is withdrawn from the vessel until the deposit has been renewed entirely.

97. Licensed lighters, as well as vessels temporarily employed as lighters, are bound to have the muster-roll of their crews in order, and to present it, whenever required, to the Inspector-General of the Navigation, to the Captain of the Port of Sulina, and to the agents placed under the orders of these latter.

Licensed lighters are bound, moreover, to bear the number of their licence, and vessels employed temporarily as lighters the number of the last stamp, affixed to the roll of their crew, in execution of Article 17 of the present Regulation. These numbers must be marked in white paint on each side of the bows, in Arabic figures one foot in height. (Art. 138.)

#### Chapter II.—*Local Lighterage Operations.*

98. The superintendence of local lighterage operations which take place in the river is exercised by the Inspector-General of the Navigation, or by his agents, and that of the operations which take place at the Mouth, by the Captain of the Port of Sulina.

99. When a sea-going vessel discharges the whole or part of her cargo on board of lighters, the captain is bound to place on board of each of them a guard of his own choosing. (Art. 138.)

For operations of local lighterage accomplished in the internal course of the river, the lighters must, unless they are towed, navigate in company with the lightened vessels, and may not quit them, except under circumstances beyond their control, before having returned to them the whole of the lightened merchandize. (Art. 139.)

On their part, the captains of lightened vessels are bound, before putting to sea, to pay to the master of their lighters the freight agreed upon, or to deposit the same at the office of the Captain of the Port, on a request to this effect being made to them in writing.

100. In the case of lighterage at the mouth of the river by

vessels putting to sea, the lighters leave the port at the same time as the lightened vessels; but if a vessel employs several lighters, the Captain of the Port regulates their departure so that the latter have not to remain too long on the roadstead before they can effect the re-loading.

In no case, whether the vessel to be lightened be leaving the port, or entering it from the sea, or remaining anchored on the roadstead, can the lighters go out of Sulina Harbour without a permit to pass from the Captain of the Port. Lighters going out on the roadstead are forbidden to carry cargo on the upper deck. (Art. 138.)

101. Licensed lighters, and vessels having acted as lighters, which ascend the river or re-enter the Port of Sulina after having lightened a sea-going vessel, may be visited by the agents of the Inspector-General of the Navigation, or of the Captain of the Port of Sulina.

The masters of lighters are consequently bound to open the hold and the cabins of their vessels whenever required to do so by the said agents. (Art. 137.)

102. If a lighter employed in lightening a vessel that, leaving the river, returns to the Port of Sulina for any reason whatever, even owing to circumstances beyond her control, without having been able to restore the whole of the lightened merchandize, the master or owner is bound to make a declaration of the same immediately at the Captain of the Port's office, and this declaration is at once communicated to the Director of the Navigation Cash Office. (Art. 138.)

103. Lighters which have returned to port in the case foreseen in the preceding Article must anchor in the lower part of the port in the berth allotted them by the "bossman." They are put under the special supervision of the verifying officer attached to the Navigation Cash Office, on whose demand the masters or owners are bound to open the holds and cabins of their vessels. (Art. 138.)

### Chapter III.—*Coasting Lighterage Operations.*

104. The operations of coasting lighterage may be carried on by all steam-vessels, towing lighters, sailing-vessels, or lighters provided with regular papers, on condition that the captains or masters procure for each voyage, from the Consular or competent local authorities of the ports in which they take their cargo, a certificate making known the object of the operation and the quantity of merchandize embarked.

This certificate must be produced in the course of the voyage whenever required by the Inspector-General or his agents. (Art. 137.)

105. Immediately upon the arrival of a vessel carrying on coasting lighterage in the Port of Sulina, the master is bound to repair to the office of the Captain of the Port, and to present there the certificate prescribed by the preceding Article. (Art. 138.)

If the vessel discharges the whole of her cargo in the Port of Sulina, she moors alongside the sea-going vessel which is to receive the merchandize, and must not quit her until after having entirely finished discharging. (Art. 139.)

If the cargo is to be discharged, wholly or partly, on the Roadstead of Sulina, the master of the vessel hands over the certificate prescribed by Article 104 to the Captain of the Port, who delivers to him the permit to pass necessary for going out of the harbour.

106. The preceding Articles 97, 100, 101, 102, and 103 are likewise applicable to vessels which perform the coasting lighterage service.

However, steam-vessels and towing lighters are not subject to the constraint of allowing themselves to be visited, conformably with Article 101, unless one of the parties demand it, or in case of suspicion of fraud.

#### Chapter IV.—*Special Provisions for Circumstances beyond Control.*

107. When a vessel is forced by stress of weather to quit the Roadstead of Sulina, leaving all or part of her cargo on board a lighter, the master of the lighter is bound to return to the port, and temporarily to retain his cargo on board, after having conformed to the formalities prescribed by Article 102 above.

108. If, in the case provided for in the preceding Article, the lightened vessel does not re-appear in the course of six days, the master of the lighter may demand of the Captain of the Port authority to unload his cargo and deliver it into the hands of the persons having a right to it; he may then exact payment of the freight-money agreed upon as if he had placed the cargo on board the lightened vessel, but without any addition thereto.

If, before the expiration of the above specified period, the vessel returns to the roads, and is again forced to put to sea, the days that had elapsed will not be counted, but a new period will commence, dating from her re-appearance.

#### Chapter V.—*Special Provisions in Cases of Fraud.*

109. In case of suspicion of inaccuracy or of false statement of a lighter's burden, merchant captains have the power of seeing the tonnage verified by a Special Commission named, according to circumstances, by the Captain of the Port of Sulina, or by the Inspector-General of the Navigation.

The expense of this survey will be borne by the captain who

demand it, unless inaccuracy or false statement is proved, in which case it will be at the charge of the lighter.

110. If it is proved that a larceny has been committed upon the cargo placed on board of any vessel employed as a lighter, the captain or master is subjected to the fine prescribed by Article 133 of the present Regulation, without prejudice to the criminal proceedings appertaining to the competent authorities.

In addition to this penalty, in the case of a licensed lighter, the licence is withdrawn for three months at least.

## PART VI.—*On Towage.*

### Chapter I.—*General Provisions.*

111. No one can undertake habitual towage business at the Sulina Mouth, or on the Lower Danube below Isaktcha, before registering at the office of the Captain of the Port the vessels intended to act as tugs, and being furnished with a licence from the Captain of the Port for each vessel. (Art. 141.)

112. The licence prescribed by the preceding Article must always be kept on board. It indicates the tonnage of the tug, as well as the quality and power of her engines.

113. Tugs provided with the licence prescribed by the two preceding Articles must have the number of their licence painted outside, in white, in Arabic figures 1 foot in height, both on the port and starboard side, where it can be easily seen. (Art. 142.)

114. When vessels or transports in tow are about to moor or cast anchor in the Sulina Roads, in a port, or in any part of the Danube below Isaktcha, the tug-steamers may not cast off the tow-rope until the vessels they are towing have come up to the wind or current, and are in a fit position for anchoring. (Art. 141.)

115. When the captain of a tug-steamer undertakes, either in the Roads of Sulina or in the river below Isaktcha, the towage of one or more vessels, rafts, or floats of timber for which the power of his engines is insufficient, he is civilly responsible for all the damage which may result from it.

116. The provisions of Articles 114 and 115 preceding are binding on all vessels employed as tug-steamers, whether habitually or occasionally, in the river below Isaktcha or in the Roads of Sulina.

### Chapter II.—*On Towage at the River Mouth.*

117. Tug-steamers employed, either habitually or occasionally, in the service of the Port and Roadstead of Sulina, are bound to obey strictly the directions given them by the Captain of the Port, or by his agents, in all that concerns the berths for anchorage or mooring of the vessels they tow into port.

They themselves occupy berths in the section of the port which is specially assigned to them by the Port Captain, and they may not be moored more than two abreast. (Art. 142.)

118. It is forbidden to all steamers to navigate in the Sulina Port, with more than two vessels lashed abreast. (Art. 142.)

119. When the state of the sea does not permit the bar pilots to go out in the roads to pilot vessels wishing to enter, every tug-steamer leaving the port to bring in a vessel in tow is bound, before starting, to take on board a pilot told off by the chief pilot for this purpose. (Art. 142.)

### Chapter III.—*On Towing in the River.*

120. Every tug-steamer which shall have made more than three towing operations in the course of a month, in the river between Isaktcha and the Sulina Mouth, shall be considered as carrying on habitually the towing business in that part of the river, and must, in consequence, take out the licence prescribed by Article 111 of the present Regulation.

121. In the event of grounding or wreck of a vessel, transport, raft, or float of timber, when in tow below Isaktcha, the captain of the tug-steamer, continuing his voyage, must give notice of the accident to the first guard-boat of the Inspector-General's service that he meets.

If the accident is owing to the fault of the tug-steamer, this latter may not continue its voyage until it has been ascertained that the power of its engines is insufficient to set afloat again the vessel, transport, raft, or float of timber so grounded. (Art. 141.)

The provisions of this present Article apply to all steamers employed as tugs in the river below Isaktcha, whether habitually or occasionally.

### PART VII.—*Special Provisions to be observed in the Interest of the Works of Improvement on the Lower Danube.*

122. The precautionary rules prescribed by Article 30 of the present Regulation to the captains or masters of the vessels, floats of timber, or rafts, navigating or stationary on the Lower Danube, below Isaktcha, apply specially to the floating plant employed on the works of improvement of the river and of its mouths, as well as to the works of every kind, such as piers, jetties, groynes, quays, constructed or to be constructed by the European Commission, or by the authority which shall succeed it, and to the buoys and other signals placed by one or other of these authorities on the river or on its banks. (Arts. 144 and 145.)

123. The captains or masters of vessels, floats of timber, or rafts are equally bound to take the precautions necessary for im-



peding as little as possible the works in course of execution, especially the dredging operations, and the construction of the works undertaken or to be undertaken in the Lower Danube below Isaktcha and at the river mouth.

To this end the captains of all steam-vessels are bound to slacken their speed as much as they can do so without danger to their own vessels, or to the vessels towed by them, when they are traversing a section of the river on which dredging or other works are in course of execution, and that as long as they are between the signal posts placed on the banks above and below the site of the works. (Arts. 144 and 145.)

124. When the steam-dredgers are employed in the Sulina Branch, or at the Tchatal of St. George during the night, the passage of the channel, where the dredging operations and discharge of stuff dredged are being carried on, is forbidden, except in the case hereinafter mentioned, to all sailing and steam-vessels, rafts, or floats of timber for so many hours as is judged necessary, and which is determined by a special notice to this effect published by the European Commission, or by the authority which shall succeed it.

This prohibition does not extend to packet-boats making periodical voyages and engaged in the Mail Service; except, however, in the case of special necessity, when passage by night can be forbidden absolutely, by a simple notice from the Commission, or the authority succeeding it. (Arts. 144 and 145.)

## PART VIII.—On Offences.

### Chapter I.—*Assessment of Fines.*

#### § 1. *Offences against the General Provisions and those of Part I for the Police of the Roads and Port of Sulina.*

125. Every offence against the provisions of the second paragraph of Article 5, of the first paragraph of Article 17, of the first paragraph of Article 23, or against any of the provisions of Articles 8, 10, 11, 14, 16, 18, 19, 20, 27, and 28 of the present Regulation, is punished with a fine of 10 fr. at least, and of 50 fr. at most.

126. The captain of every sea-going vessel, except the steamers engaged on postal service, found in the Danube, and whose muster-roll does not bear the stamp of which mention is made in Article 17 of the present Regulation, or shall only bear one or more annulled stamps, is liable to a fine of 100 fr. at least, and of 500 fr. at most.

This fine will be of 20 fr. at least, and of 200 fr. at most, for any captain of a sea-going vessel who, during the passage between Isaktcha and Sulina, is not provided with a muster-roll, or who

refuses to produce it on the demand of the Inspector-General's agents.

127. Every offence against Article 21 of the present Regulation is punished with a fine of 100 fr. at least, and of 300 fr. at most.

Offences against the provisions of Article 22 are punished with a fine of 20 fr. at least, and of 200 fr. at most.

128. Every offence against any one of the provisions of Articles 24 and 25 is punished with a fine of 20 fr. at least, and of 100 fr. at most.

*§ 2. Offences against the Provisions of Part II, on the River Police.*

129. Every offence against either of the provisions of Articles 30 to 45 inclusive, of Articles 48 to 59 inclusive, 64, 65, 69, and 74 of the present Regulation, is punished with a fine of 30 fr. at least, and 100 fr. at most.

The maximum of the fine can be carried to 2,000 fr. in the case when the offence against the provisions of Article 30 is committed wilfully and with bad intention, it being of a nature to endanger the security of vessels or of the scales, buoys, signals, towing-paths, or other establishments instituted for the navigation. (Art. 145.)

130. Every conductor of a raft or float of timber found navigating the Sulina Branch with a draught of water greater than that prescribed by Article 60 of the present Regulation is liable to a fine of 100 fr. at least, and 500 fr. at most.

Every offence against either of the provisions of Articles 61 and 62 is punished with a fine of 200 fr. at least, and of 500 fr. at most. (Art. 145.)

131. Every offence against either of the provisions of Article 73, relative to the discharge or throwing overboard of ballast, is punished with a fine of 100 fr. at least, and of 50 fr. at most.

*§ 3. Offences against the Provisions of Part III, on the Police of the Port of Tultcha.*

132. Offences against the provisions of Articles 75, 76, and 77 of the present Regulation are punished with a fine of 10 fr. at least, and of 50 fr. at most.

*§ 4. Offences against the Provisions of Part IV, on the Pilot Service.*

133. Every offence against the provisions of the first paragraph of Article 13, or of the second paragraph of Article 85, is punished by a fine of 150 fr. at least, and of 300 fr. at most.

134. Every refusal of the declarations prescribed by Article 80,

or wilful inaccuracy in these declarations, either on the part of the captains or on the part of the pilots, and every offence against Article 81, are punished with a fine of 50 fr. at least, and of 100 fr. at most.

135. Every captain who, contrary to the provisions of the fifth paragraph of Article 84, shall cause his vessel to be piloted between Sulina and Ibraila, even when ascending the river, and when he himself is on board, by a pilot who does not belong to the Corps of River Pilots, is liable to a fine of 100 fr. at least, and of 150 fr. at most.

Any river pilot offending against the provisions of Article 88 is liable to a fine of 50 fr. at least, and of 100 fr. at most.

136. Every offence committed by the licensed pilots of the Mouth, or of the river, or by the chief or deputy chief pilots against the provisions of the present Regulations, or the instructions which are given to them, and to which no special penalty is attached, is punishable by a fine, of which the maximum cannot exceed 300 fr.

*§ 5. Offences against the Provisions of Part V, on the Lighter Service.*

137. Every offence against the provisions of the first paragraph of Article 94, or against either of the provisions of Articles 95, 101, and 104, is punished with a fine of 100 fr. at least, and of 200 fr. at most.

138. Every offence against the rules laid down in the third paragraph of Article 94, as also every offence against either of the provisions of Article 97, of the first paragraph of Article 99, of Articles 100, 102, 103, and of the first paragraph of Article 105, is punished with a fine of 20 fr. at least, and of 120 fr. at most.

139. Every offence against the provisions of the fourth paragraph of Article 94, of the second paragraph of Article 99, and of the second paragraph of Article 105, is punished with a fine of 400 fr. at least, and of 1,200 fr. at most; and the same penalty is applicable to the captain or owner of every vessel having acted as lighter, or of every licensed lighter, which, without having been thereto compelled by circumstances beyond control, quits on the Roadstead of Sulina the lightened vessel, before having restored to her the whole of her cargo.

140. In every instance the vessel or lighter on board of which an offence is committed remains especially set apart for the payment of the fine incurred, for the recovering of which she can be sequestered by the Inspector-General of the Navigation, or by the Captain of the Port of Sulina, according to circumstances. (Art. 143.)

*§ 6. Offences against the Provisions of Part VI, on Towage.*

141. Every offence against the provisions of Articles 111, 114,

120 and 121, is punished with a fine of 20 fr. at least, and of 120 fr. at most.

The same penalty is applicable to every tug-steamer who shall undertake, below Isaktcha, an operation for which the power of her engines is insufficient.

142. Offences against the provisions of Article 113 are punished with a fine of 10 fr. at least, and of 30 fr. at most.

Offences against either of the provisions of Articles 117 and 119 are punished with a fine of 20 fr. at least, and of 60 fr. at most.

And for offences against Article 118 the fine will be of 40 fr. at least, and of 120 fr. at most.

143. The provisions of Article 140 above, as regards the recovery of fines incurred, apply equally to tug-steamers on board of which offences have been committed.

#### § 7. *Special Offences against the Provisions of Part VII.*

144. Every offence against the provisions of Articles 122, 123, and 124, is punished with a fine of 50 fr. at least, and of 500 fr. at most.

145. When an offence committed against the provisions of the said Articles 122, 123, and 124, or an offence provided for and punished by Articles 129 or 130, is accompanied or followed by any injury or damage whatsoever, occasioned by the offending vessel, float of timber, or raft, to the works of the European Commission, or of the authority succeeding it, to its floating plant, or to any other of its properties, the fine incurred by the offender is of 250 fr. at least, and of 2,500 fr. at most.

#### § 8. *Abusive Language and Assaults.*

146. Every instance of abusive language or menace against the agents charged with the Police of the Navigation, or with the collection of the taxes levied at the Sulina Mouth, while acting in the performance of their duties, as also abusive language or contempt of the authority from which the said agents hold their power, is punished with a fine of 10 fr. at least, and of 50 fr. at most.

In case of violence or assault committed upon the person of an agent of the police, or of the collectors of the taxes, when in the performance of their duties, the maximum of the fine may be raised to 300 fr.

#### Chapter II.—*Rules for the Infliction of Fines.*

147. Offences occasioned by circumstances over which the offender has no control are not liable to fines.

148. The maximum of a fine can be doubled in case of a repetition of the offence.

A repetition of the offence shall be considered to have been committed by a captain of a sea-going vessel when the two offences shall have been committed in one voyage, that is, without the vessel having quitted the Danube in the interval.

For masters of lighters, captains of tug-steamers, and pilots, there is a repetition of an offence when it is committed a second time in the space of one year.

For conductors of rafts and floats of timber there is a repetition of an offence against the provisions of Article 60 when two or more rafts or floats of timber belonging to the said owner or seller, and of which the dimensions are greater than those prescribed by the said Article, are found navigating in the Sulina Branch without being in tow of a steamer, between the 1st January and the 31st December of the same year.

As regards Article 62, there is a repetition of an offence when it has been committed on board the same raft or float of timber during two or more nights in the course of the same voyage.

149. Independently of fines to which they are sentenced, offenders may be prosecuted in the competent Courts for the recovery of the damages to which they are civilly liable.

150. Captains are personally responsible for the offences committed by their crews.

151. The Inspector-General of the Navigation, and the Captain of the Port of Sulina, take cognizance of the offences committed within the bounds of their several jurisdictions against the provisions of the present Regulation, and pronounce in the first instance the infliction of the fines incurred by reason of these offences.

The notification of their sentence is made at Sulina, in the Chancellery of the Consular or Local Authority to which the party sentenced is amenable, if the offence has been committed during the down-voyage. It is made to the same authority in the port the vessel is bound to, when the offence has been committed during the voyage up-stream. It can also be validly made to the person.

152. The amount of the fine is paid into the hands of the Director of the Navigation Chest at Sulina, and, in the case of sea-going vessels, the fines in all cases must be paid before the navigation dues, of which the payment is made when the vessel is about to leave the river.

153. Appeals against the sentences of conviction must be carried, within three months from the date of notification, either before the European Commission, or the authority succeeding it, or before the Mixed Tribunal which may eventually be instituted to this effect.

In case of appeal, the amount of the fine is consigned provisionally to the Navigation Chest, and remains there as a deposit until the case has been settled.

The judgment rendered on the appeal is final, and can be the object of no further proceedings whatever.

An appeal will not be received after the expiration of three months from the date of notification; and the amount of the fine then remains forfeited to the Navigation Chest.

*Final Provisions.*

154. The present Regulation will enter in force on the 1st March, 1876.

From the same day forward the Regulation of Navigation and Police, dated the 8th November, 1870,\* will cease to have force of law.

155. The present Regulation may be modified, according to need, by the European Commission or by the International Authority which shall be substituted for it in virtue of Article XVII of the Treaty of Paris.

Done at Galatz, the 10th day of November, 1875.

DE PFUEL.  
BARON HAAN.  
A. D'AVRIL.  
H. T. SIBORNE.  
C. DURANDO.  
J. ZINOVIEV.  
FAHKI.

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(V.)—*Public Act relating to the Navigation of the Mouths of the Danube.*†

(ANNEX B.)—TARIFF OF NAVIGATION DUES TO BE LEVIED AT THE MOUTH OF SULINA.‡

THE European Commission of the Danube,—

Whereas Article XVI of the Treaty of Paris of the 30th March, 1856,§ provides that the expenses of the works carried out for freeing the Mouths of the Danube and the neighbouring parts of the sea from the obstacles which obstructed them, and those of the establishments intended to render the navigation sure and easy, shall be covered by levying fixed dues enacted by the Commission:

Whereas a Tariff was enacted the 2nd November, 1865, to fix the

\* Vol. LXII. Page 540.

† November 2, 1865. Vol. LV. Page 93.

‡ This Tariff, drawn up in accordance with the quinquennial revision prescribed by Article 15 of the Public Act, is substituted for the Tariff of the 9th November, 1870, annexed under letter B to the said Act. (Art. 13.)

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amount of these dues in the form annexed to the Public Act relating to the Navigation of the Mouths of the Danube, signed at Galatz the same day, and ratified in the sitting of the Conference of Paris of the 28th March, 1866 :\*

Whereas provisions modifying the dues of steam-vessels were enacted by the Commission on the 26th April, 1867 :†

Whereas Article XV of the Public Act hereinabove cited provides that at the expiration of every term of five years, and with the view of diminishing, if possible, the charges laid upon the navigation, a revision of the said Tariff shall be made, and the amount of the dues shall be reduced as much as possible, always preserving, however, the mean revenue judged necessary :

Whereas the necessity of providing for the amortization of the loan contracted to cover the expenses of the definitive works, of the foreseen prolongation of the piers at Sulina, and of other extraordinary works, as well as for the repayment of the sums advanced by the Government of His Majesty the Sultan for the first wants of the Commission, does not yet permit of a general reduction being effected in the rate of the navigation dues :

Enacts the Tariff of which the following are the provisions :—

ART. 1. Every sailing-vessel measuring more than 30 tons, leaving the Port of Sulina to put to sea, and which carries, according to its bills of lading, or its manifest, a cargo equivalent to more than the third part of its tonnage, pays, per ton, a fixed navigation due, the amount of which is determined hereinafter, according to the total tonnage of the vessel and the depth of the channel at the mouth of the Sulina Branch.

*Vessels which have ascended the river to receive their cargo at an inland port pay the dues determined in francs and centimes by the following Table.*

Sailing-Vessels which have ascended the River.	Amount of Dues to pay, with a Depth at the Mouth of							
	less than 10 feet.	10 feet at least, and 11 feet at most.		More than				
		f. c.	f. c.	11 feet to 12 feet.	12 feet to 13 feet.	13 feet to 14 feet.	14 feet to 15 feet.	15 feet.
Of more than 30 tons and not exceeding 60 tons .. .. .	0 50	0 50	0 50	0 50	0 50	0 50	0 50	0 50
Of more than 60 tons and not exceeding 100 tons .. .. .	0 80	0 80	0 80	0 80	0 80	0 80	0 80	0 80
Of more than 100 tons and not exceeding 150 tons .. .. .	1 0	1 35	1 70	1 70	1 70	1 70	1 70	1 70
Of more than 150 tons and not exceeding 200 tons .. .. .	1 0	1 35	1 70	2 10	2 10	2 10	2 10	2 10
Of more than 200 tons and not exceeding 250 tons .. .. .	1 0	1 35	1 70	2 10	2 50	2 50	2 50	2 50
Of more than 250 tons and not exceeding 300 tons .. .. .	1 0	1 35	1 70	2 10	2 50	2 90	2 90	2 90
Of more than 300 tons .. .. .	1 0	1 35	1 70	2 10	2 50	2 90	3 30	3 30



*Vessels which receive their cargo wholly or in part in the Port of Sulina, without ascending the river beyond the limits of the said port, pay the dues determined in francs and centimes by the following Table.*

Sailing-Vessels loading at Sulina.	Amount of Dues to pay, with a Depth at the Mouth of					
	less than 10 feet.	10 feet at least, and 11 feet at most.	More than			
			11 feet to 12 feet.	12 feet to 13 feet.	13 feet to 14 feet.	14 feet to 15 feet.
Of more than 30 tons and not exceeding 60 tons .. .. .	f. c. 0 30	f. c. 0 30	f. c. 0 30	f. c. 0 30	f. c. 0 30	f. c. 0 30
Of more than 60 tons and not exceeding 100 tons .. .. .	0 50	0 50	0 50	0 50	0 50	0 50
Of more than 100 tons and not exceeding 150 tons .. .. .	0 80	1 20	1 60	1 60	1 60	1 60
Of more than 150 tons and not exceeding 200 tons .. .. .	0 80	1 20	1 60	1 90	1 90	1 90
Of more than 200 tons and not exceeding 250 tons .. .. .	0 80	1 20	1 60	1 90	2 20	2 20
Of more than 250 tons and not exceeding 300 tons .. .. .	0 80	1 20	1 60	1 90	2 20	2 50
Of more than 300 tons .. .. .	0 80	1 20	1 60	1 90	2 20	2 80

2. Excepting in the case reserved by the 2nd paragraph of Article 3 of the present Tariff, every steam-vessel quitting the Port of Sulina to put to sea, and having, according to its bills of lading or its manifest, a cargo equivalent to more than a third part of its tonnage, pays, per ton, a fixed navigation due, also determined according to the tonnage of the vessel and depth of the channel at the Sulina mouth.

*For Steam-Vessels effecting their voyages between the ports of the Danube, other than that of Sulina and the ports of the Black Sea or the Bosphorus, the dues are determined in francs and centimes by the following Table.*

	Amount of Dues to pay, with a Depth at the Mouth of						
	less than 10 feet.	10 feet at least, and 11 feet at most.		More than			
	f. c.	f. c.	f. c.	11 feet to 12 feet.	12 feet to 13 feet.	13 feet to 14 feet.	14 feet to 15 feet.
Steam-Vessels which have ascended the River, and do not go beyond the Bosphorus.							
Of more than 80 tons and not exceeding 150 tons .. .. .	0 60	0 60	f. c.	0 60	0 60	0 60	f. c.
Of more than 150 tons and not exceeding 200 tons .. .. .	0 60	0 90	0 60	1 20	1 20	1 20	0 60
Of more than 200 tons and not exceeding 250 tons .. .. .	0 60	0 90	0 90	1 20	1 40	1 40	1 20
Of more than 250 tons and not exceeding 300 tons .. .. .	0 60	0 90	0 90	1 20	1 40	1 60	1 40
Of more than 300 tons and not exceeding 350 tons .. .. .	0 60	0 90	0 90	1 20	1 40	1 60	1 60
Of more than 350 tons .. .. .	0 60	0 90	0 90	1 20	1 40	1 60	1 80
Of more than 350 tons .. .. .	0 60	0 90	0 90	1 20	1 40	1 60	2 00

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*For Steam-Vessels effecting their voyages between the Port of Sulina, without having ascended the river, and the ports of the Black Sea or the Bosphorus, the dues are determined in francs and centimes by the following Table.*

	Amount of Dues to pay, with a Depth at the Mouth of						
	less than 10 feet.	10 feet at least, and 11 feet at most.	More than				
			11 feet to 12 feet.	12 feet to 13 feet.	13 feet to 14 feet.	14 feet to 15 feet.	15 feet.
	f. c.	f. c.	f. c.	f. c.	f. c.	f. c.	f. c.
Steam-Vessels loading at Sulina without having ascended the River, and which do not go beyond the Bosphorus.							
Of more than 30 tons and not exceeding 150 tons .. .. .	0 45	0 45	0 45	0 45	0 45	0 45	0 45
Of more than 150 tons and not exceeding 200 tons .. .. .	0 50	0 75	1 10	1 10	1 10	1 10	1 10
Of more than 200 tons and not exceeding 250 tons .. .. .	0 50	0 75	1 10	1 25	1 25	1 25	1 25
Of more than 250 tons and not exceeding 300 tons .. .. .	0 50	0 75	1 10	1 25	1 40	1 40	1 40
Of more than 300 tons and not exceeding 350 tons .. .. .	0 50	0 75	1 10	1 25	1 40	1 55	1 55
Of more than 350 tons .. .. .	0 50	0 75	1 10	1 25	1 40	1 55	1 70

*For Steam-Vessels effecting their voyages between the ports of the Danube, other than that of Sulina, and the ports situated beyond the Bosphorus, the dues are determined in francs and centimes by the following Table.*

	Amount of Dues to pay, with a Depth at the Mouth of						
	less than 10 feet.	10 feet at least, and 11 feet at most.	More than				
			11 feet to 12 feet.	12 feet to 13 feet.	13 feet to 14 feet.	14 feet to 15 feet.	15 feet.
Steam-Vessels which have ascended the River and go beyond the Bosphorus.	f. c.	f. c.	f. c.	f. c.	f. c.	f. c.	f. c.
Of more than 30 tons and not exceeding 150 tons .. .. .	0 80	0 80	0 80	0 80	0 80	0 80	0 80
Of more than 150 tons and not exceeding 200 tons .. .. .	1 00	1 35	1 70	1 70	1 70	1 70	1 70
Of more than 200 tons and not exceeding 250 tons .. .. .	1 00	1 35	1 70	2 10	2 10	2 10	2 10
Of more than 250 tons and not exceeding 300 tons .. .. .	1 00	1 35	1 70	2 10	2 50	2 50	2 50
Of more than 300 tons and not exceeding 350 tons .. .. .	1 00	1 35	1 70	2 10	2 50	2 90	2 90
Of more than 350 tons .. .. .	1 00	1 35	1 70	2 10	2 50	2 90	3 30

*And for Steam-Vessels effecting their voyages between the Port of Sulina, without having ascended the river, and the ports situated beyond the Bosphorus, the dues are determined in francs and centimes by the following Table.*

	Amount of Dues to pay, with a Depth at the Mouth of					
	less than 10 feet.	10 feet at least, and 11 feet at most.	More than			
			11 feet to 12 feet.	12 feet to 13 feet.	13 feet to 14 feet.	14 feet to 15 feet.
	f. c.	f. c.	f. c.	f. c.	f. c.	f. c.
Steam-Vessels loading at Sulina without having ascended the River, and which go beyond the Bosphorus.						
Of more than 30 tons and not exceeding 150 tons .. .. .	0 50	0 50	0 50	0 50	0 50	0 50
Of more than 150 tons and not exceeding 200 tons .. .. .	0 80	1 20	1 60	1 60	1 60	1 60
Of more than 200 tons and not exceeding 250 tons .. .. .	0 80	1 20	1 60	1 90	1 90	1 90
Of more than 250 tons and not exceeding 300 tons .. .. .	0 80	1 20	1 60	1 90	2 20	2 20
Of more than 300 tons and not exceeding 350 tons .. .. .	0 80	1 20	1 60	1 90	2 50	2 50
Of more than 350 tons .. .. .	0 80	1 20	1 60	1 90	2 50	2 80

3. The navigation dues established by the preceding Article are levied on all steam-vessels without any distinction between those of public companies or persons.

Nevertheless, paddle-wheel steamers not having more than 10 English feet draught of water when fully laden, belonging to a public company, specially destined to the transport of passengers, and to a regular postal service, and consequently effecting periodical voyages according to a time-bill published beforehand, only pay on leaving the river a fixed due of 60 c. per ton; but this due is always levied on the whole of the taxable tonnage without taking account of the proportion of cargo.

These vessels are, moreover, freed from all duty on their entry into the river.

4. The navigation dues levied under the present Tariff are calculated upon the net tonnage of the vessel reduced to the system of measurement adopted by the European Commission of the Danube.

5. Sailing-vessels and steam-vessels, other than those designated in the second paragraph of Article 3, which enter the Port of Sulina from the sea, and carry, according to their bills of lading or their manifest, a cargo equivalent to more than the third part of their tonnage, pay for the entry into the river a due equal to the fourth of that which is laid upon them on departure by Articles 1 or 2 of the present Tariff.

However, these same vessels are subjected, for the entry, to the payment of the whole of the due determined by the said Articles 1 or 2, in every case in which they do not pay this departure due.

Consequently, vessels liable to the entry due are bound to deposit the whole amount of it, on the footing of the above Articles 1 or 2, immediately after their entry in the river, with right to a restitution of three-fourths of this due at the moment that they pay the departure due.

6. The deposit of the entry due can be replaced by the guarantee of a special bail for the whole domiciled in the Port of Sulina.

The whole due is demandable for the entry when the vessel which has deposited it does not leave the river, with a taxable cargo, within the 12 months following its entry.

7. Vessels which remain at anchor on the roadstead of Sulina, to load or unload there by means of lighters the whole or part of their cargo, without entering the port, are not liable to the dues established by Articles 1, 2, or 5 above: they pay only an uniform due of 100 fr. per vessel to contribute to the expenses of the establishments by which they profit.

Those of these vessels which have entered the port, but without accomplishing there any commercial operation, which should be of a nature to render them liable to the payment of the dues established

by Articles 1, 2, or 5 above, pay over and above the fixed due of 100 fr. established by the preceding paragraph a due of 50 c. per ton for lighthouses and pilotage.

This due is only levied once, when the vessel leaves the port.

Lighters chartered to transport across the Mouth the cargo of vessels which have paid no other dues than those established by the present Article pay for each passage of the Mouth, with part or whole cargo, a fixed due of 1 fr. per ton on their total tonnage.

Lighters employed in discharging ballast are freed from all dues.

The dues of 50 c. and of 1 fr. per ton, imposed by the present Article respectively on sea-going vessels and lighters, are calculated for steam-vessels on the net tonnage conformably with the rules established by Article 4.

8. Every raft or float of timber leaving the Port of Sulina to put to sea pays a fixed navigation due, the amount of which is determined in francs by the following Table:—

Rafts or Floats of Timber of a width	Dues to pay by Rafts or Floats of Timber having a draught of water						
	Of 10 feet or less.	Of more than					
		10 feet to 11 feet.	11 feet to 12 feet.	12 feet to 13 feet.	13 feet to 14 feet.	14 feet to 15 feet.	15 feet to 16 feet.
Of less than 40 feet ..	Fr. 100	Fr. 150	Fr. 200	Fr. 250	Fr. 300	Fr. 350	Fr. 400
Of 40 feet at least and less than 50 feet .. ..	200	200	250	300	350	400	450
Of 50 feet at least and less than 60 feet .. ..	300	300	300	350	400	450	500
Of 60 feet at least and less than 70 feet .. ..	400	400	400	400	450	500	550
Of 70 feet and upwards ..	500	500	500	500	500	550	600

Rafts and floats of timber having a draught of water of more than 16 feet pay over and above the dues determined by the last column of the preceding Table an additional due of 50 fr. per foot, or a fraction of a foot, exceeding the draught of 16 feet.

The thickness of the trunks forming the keel is comprised in the measurement of the draught of water, and the width on which is based the taxation of the raft or float of timber is its maximum width. These dimensions are measured in English feet.

9. Vessels of war are exempt from all dues, as well for entry as for leaving the Sulina Mouth.

The same is the case for tug-steamers when they are not employed as lighters to transport a part of the cargo of the vessels towed.

10. Vessels which enter the Port of Sulina and leave it with less

than a third of their cargo are exempt from the dues established by Articles 1, 2, and 5 above; but if they measure more than 100 tons they pay on leaving a due of 50 c. a ton for lighthouse and pilotage.

The same due is paid by sea-going vessels acting temporarily as lighters, and that in addition to the due of 1 fr. per ton imposed by paragraph 3 of Article 7 hereinabove.

Sea-going vessels, lighters, or rafts, which seek refuge in the Port of Sulina against bad weather, those which, in consequence of an accident of any kind, are obliged to take shelter in the port, and are prevented from continuing their sea voyage, are exempt from all dues, provided that they put to sea again without transacting any commercial business before the expiry of one year from the date of entry of the vessel or raft.

11. Every steam or sailing vessel without any exception entering the Port of Sulina coming from the sea, carrying according to its bills of lading or manifest a cargo equivalent to more than one-third of its tonnage, but only discharging a part of its cargo and returning to sea with the surplus in order to continue its voyage to another port, without ascending the river, must pay the following navigation dues, viz. :

If the vessel leaves the Port of Sulina with a quantity of merchandize not exceeding one-third of that with which it entered, it pays three-fourths of the taxes established by Articles 1 or 2 of the present Tariff.

If it leaves the said port with a quantity of merchandize exceeding one-third but not exceeding two-thirds of that with which it entered, it is subjected to the half of the dues established by the said Articles 1 or 2.

And if it leaves the said port with a quantity of merchandize exceeding two-thirds of that with which it entered, it pays one-fourth of the tax established by the same Articles 1 or 2, but this tax must not amount to less than 50 c. per ton on its total taxable tonnage.

In the three cases above specified the tax fixed by the present Article is levied once for the entry into the river, and the vessel paying it is free from all other tax on leaving.

The provisions of the present Article are not applicable to vessels discharging a part of their cargo at Sulina and embarking equally goods in this port. These vessels fall concerning the taxes for entry, as well as those for leaving, under the application purely and simply of Articles 1 or 2 and of Article 5 of the present Tariff.

12. The dues established by the preceding Articles comprise:—

The due imposed on vessels to cover the expenses of works and other improvements effected by the European Commission;

The dues now in force for the maintenance of the lighthouses forming the system of lights for the Mouths of the Danube;



The dues destined to cover the expenses occasioned by the pilot service at the Sulina entry, and those of the other establishments instituted with a view to facilitate the navigation.

Independently of these dues, vessels are liable to no other due or claim whatever except the salary of the river pilots, which they, as well as rafts and floats of timber, pay for descending the river, conformably with Article 87 of the Regulation of Navigation and Police applicable to the Lower Danube, dated November 8, 1870.

18. The amount of the dues is paid into the hands of the Director set over the Navigation Cash Office of the Port of Sulina, who gives receipt for the same.

A table, indicating the reduction into francs of the coins in use on the Lower Danube is constantly posted up in the office.

This table is revised as circumstances require. Dues, of which the legality is contested, or the payment criticised by the parties interested, are paid into the Navigation Cash Office as deposits.

Demands for total or partial restitution of the duties paid are brought before the European Commission, or before the International Authority, which shall replace it. They must be made in writing within three months of the payment or deposit, under pain of forfeiture.

14. The unit of tonnage measurement adopted by the European Commission is a capacity of 100 English feet, equal to 2·83 cubic metres.

The tonnage of vessels is derived from the ships' papers; but captains whose vessels have been measured by the Navigation Cash Office at Sulina, according to the rule applicable to empty vessels, are allowed to pay their dues on the footing of the tonnage indicated by the certificate of measurement delivered by the Director of the said Cash Office.

Excepting this case, the reduction of the tonnage measures of different countries into units of 100 English cubic feet (or 2·83 metres) is made according to the table annexed to the present Tariff.\*

15. Vessels entering the Danube without papers indicating their tonnage are submitted to an approximate measurement by the sworn verifying officer attached to the Navigation Cash Office, and the amount of the dues to be paid is calculated on the tonnage ascertained by this operation.

The same procedure is observed if the tonnage borne upon the ship's paper is manifestly inaccurate. The measurement is effected, in each case, on the requisition of the Director of the Navigation Cash Office, and the competent Consular Authority is advised of the

time at which it will be proceeded with, in order that he may assist at the operation if he sees fit.

If there is doubt or dispute on the proportion of the cargo of a vessel in one of the cases specified by Articles 1, 2, 5, or 11 of the present Tariff, this proportion is also the object of an evaluation to be made by the verifying officer on the requisition of the Director of the Navigation Cash Office: the competent Consular Authority is duly invited to be present.

If a dispute relative to the proportion of cargo is raised by the captain of the vessel against the evaluation of the "bossman," the captain is bound to carry his complaint to the Director of the Navigation Cash Office before leaving the port, or before commencing to discharge, in default of which the evaluation of the "bossman" is definitively maintained, and no further claim against the taxation is allowed.

The measurements and evaluations made by the verifying officer occasion no expenses, but they can be the object of no appeal or claim whatever.

16. The depths, according to which the dues established by the present Tariff are determined, are taken from soundings in the Sulina entry in English feet.

The soundings are taken under the direction and responsibility of the engineer in charge of the works of improvement at the mouth; the results are posted up at the Navigation Cash Office, and at the office of the Captain of the Port.

If the state of the sea does not permit of soundings being taken, the amount of dues to be levied is based on the last depth ascertained.

There cannot be required for the dues on departure any additional payment on the part of the vessels, nor, except in the case of duly proved error in the soundings, any partial restitution by the Navigation Cash Office, on account of a difference, however great it may be, between the depth of the entry at the moment of vessels leaving and that which served as base for the calculation of the dues paid.

17. Every vessel, raft, or float of timber which endeavours, by any means whatsoever, to exempt itself wholly or in part from the payment of the dues fixed by the present Tariff, is liable, in addition to the dues which it will have to pay conformably with what goes before, to a fine of twice the amount of these dues at least, and of four times the amount at most.

If the indication of tonnage borne on the ship's papers, or the declaration relative to the quantity of merchandize discharged or embarked at Sulina, in the case foreseen by Article 11, hereinabove, appears to be fraudulent, they proceed, in the manner prescribed by

Article 15, hereinabove, to verify the capacity of the vessel, or the proportion borne by the merchandize shifted to the total tonnage.

The infliction of the fine is pronounced in the first instance by the Captain of the Port of Sulina; the sentence of condemnation is notified to the party condemned in the form prescribed by Article 151 of the present Regulations.

Appeal against the sentence is borne, either before the European Commission or before the authority which shall succeed it, or before the Mixed Tribunal which may eventually be instituted to this effect.

It must be lodged within three months of the notification of the sentence under penalty of nullity.

The judgments rendered on appeal are not susceptible of any further redress.

The condemnations pronounced by the Captain of the Port are executory in spite of appeal. In case of appeal the amount of fine is lodged as a deposit in the Navigation Cash Office, into which also are paid the amounts of the fines become definitive.

18. The commandants of the vessels-of-war stationed at the Mouths of the Danube conformably with Article XIX of the Treaty of Paris have the duty of insuring the payment of the dues established by the present Tariff, and of the fines become definitive, as regards the vessels of their own country, and those whose flag they are charged to protect, either in virtue of Treaties or usage, or in virtue of a special or general delegation.

The action of the vessels-of-war is demanded according to rule, through the medium of the Captain of the Port of Sulina, on the requisition of the Director of the Navigation Cash Office.

In the absence of a vessel-of-war entitled to exercise a coercitive action upon an offending vessel, the Captain of the Port has recourse to the intervention of the Ottoman man-of-war stationed at Sulina.

19. The present Tariff will enter in force on the 1st March, 1876, on and after which date the Tariff of the 9th November, 1870,\* will cease to be applied.

Done at Galatz, the 10th November, 1875.

DE PFUEL.  
BARON HAAN.  
A. D'AVRIL.  
H. T. SIBORNE.  
C. DURANDO.  
J. ZINOVIEV.  
FAHRI.

*Table indicating the proportion which exists between the English register ton, or unit of 100 cubic feet (2·83 metres), and the measures adopted in other countries for indicating the capacity of Sea-going Vessels.*

Vessels of	Factor by which the unit of measure in each country is to be multiplied.		
	Tons.	Lasts.	
Austria.. .. .	0·77		
France.. .. .	0·94		
Italy .. .. .	0·94		
Prussia.. .. .	0·98	1·50	
Russia .. .. .	1·08	1·89	
Turkey.. .. .	0·78	..	100 cubic feet (2·83 m.) = 61 $\frac{1}{100}$ kilog. of Constantinople.
America (United States) ..	1·00		
Belgium .. .. .	0·95	1·81	
Bremen .. .. .	..	1·89	
Denmark .. .. .	1·02	1·96	
Spain .. .. .	1·00		
Greece { new measure ..	0·97		
{ old measure ..	0·78		
Hamburg .. .. .	..	2·77	
Hanover .. .. .	0·98	2·25	
Holland .. .. .	0·89	1·75	
Lubeck.. .. .	..	1·89	
Mecklenburg .. .. .	1·09	2·44	
Norway .. .. .	0·98	2·08	
Oldenburg .. .. .	0·96	1·50	
Principalities (Roumania) ..	0·97	..	100 cubic feet (2·83 m.) = 4 $\frac{1}{100}$ kilog. of Galatz. 100 cubic feet (2·83 m.) = 3 $\frac{1}{100}$ kilog. of Ibraïla.
Samos .. .. .	0·78		
Servia .. .. .	0·97		
Sweden .. .. .	1·02	1·98	

*Galatz, October 18, 1873.*

**CONSTITUTION de l'Empire Ottoman, promulguée le 7  
Zilhidjé, 1293 ( $\frac{1}{11}$  Décembre, 1876).**

(Traduction.)

*De l'Empire Ottoman.*

ART. 1. L'Empire Ottoman comprend les contrées et possessions actuelles et les provinces privilégiées.

Il forme un tout indivisible dont aucune partie ne peut jamais être détachée par quelque motif que ce soit.

2. Constantinople est la capitale de l'Empire Ottoman.

Cette ville ne possède, à l'exclusion des autres villes de l'Empire, aucun privilège ni immunité qui lui soit propre.

3. La souveraineté Ottomane, qui réunit dans la personne du Souverain le Kalifat Suprême de l'Islamisme, appartient à l'aîné des Princes de la dynastie d'Osman, conformément aux règles établis *ab antiquo*.

4. Sa Majesté le Sultan est, à titre de Kalife Suprême, le protecteur de la religion Musulmane.

Il est le Souverain et le Padichah de tous les Ottomans.

5. Sa Majesté le Sultan est irresponsable ; sa personne est sacrée.

6. La liberté des membres de la dynastie Impériale Ottomane, leurs biens personnels, immobiliers et mobiliers, leur liste civile pendant toute leur vie, sont sous la garantie de tous.

7. Sa Majesté le Sultan compte au nombre de ses droits souverains les prérogatives suivantes :

Il nomme et révoque les Ministres ; il confère les grades, les fonctions et les insignes de ses ordres ; il donne l'investiture aux Chefs des Provinces privilégiées, dans les formes déterminées par les privilèges qui leur ont été concédés ; il fait frapper la monnaie ; son nom est prononcé dans les mosquées pendant la prière publique ; il conclut les Traités avec les Puissances ; il déclare la guerre ; il fait la paix ; il commande les armées de terre et de mer ; il ordonne les mouvements militaires ; il fait exécuter les dispositions du Chéri (la loi sacrée) et des lois ; il fait les règlements d'administration publique ; il remet ou commue les peines prononcées par les Tribunaux criminels ; il convoque et proroge l'Assemblée Générale ; il dissout, s'il le juge nécessaire, la Chambre des Députés, sauf à faire procéder à la réélection des Députés.

*Du Droit Public des Ottomans.*

8. Tous les sujets de l'Empire sont indistinctement appelés Ottomans, quelle que soit la religion qu'ils professent.

La qualité d'Ottoman s'acquiert et se perd suivant les cas spécifiés par la loi.

9. Tous les Ottomans jouissent de la liberté individuelle, à la condition de ne pas porter atteinte à la liberté d'autrui.

10. La liberté individuelle est absolument inviolable.

Nul ne peut, sous aucun prétexte, subir une peine quelconque, que dans les cas déterminés par la loi et suivant les formes qu'elle prescrit.

11. L'Islamisme est la religion de l'État.

Tout en sauvegardant ce principe, l'État protège le libre exercice de tous les cultes reconnus dans l'Empire, et maintient les privilèges

religieux accordés aux diverses communautés, à la condition qu'il ne soit pas porté atteinte à l'ordre public ou aux bonnes mœurs.

12. La presse est libre dans les limites tracées par la loi.

13. Les Ottomans ont la faculté de former des associations commerciales, industrielles ou agricoles, dans les limites déterminées par les lois et les règlements.

14. Une ou plusieurs personnes appartenant à la nationalité Ottomane ont le droit de présenter des pétitions à l'autorité compétente au sujet d'infractions aux lois ou règlements, commises soit à leur préjudice personnel soit au préjudice de l'intérêt public, et pourront également adresser, sous forme de réclamation, des fonctionnaires ou employés de l'État.

15. L'enseignement est libre.

Chaque Ottoman peut faire des cours publics ou privés, à la condition de se conformer aux lois.

16. Toutes les écoles sont placées sous la surveillance de l'État.

Il sera avisé aux moyens propres à unifier et à régulariser l'enseignement donné à tous les Ottomans ; mais il ne pourra pas être porté atteinte à l'enseignement religieux des diverses communautés.

17. Tous les Ottomans sont égaux devant la loi.

Ils ont les mêmes droits et les mêmes devoirs envers le pays, sans préjudice de ce qui concerne la religion.

18. L'admission aux fonctions publiques a pour condition la connaissance du Turc, qui est la langue officielle de l'État.

19. Tous les Ottomans sont admis aux fonctions publiques suivant leurs aptitudes, leur mérite et leur capacité.

20. L'assiette et la répartition des impôts s'établissent, conformément aux lois et aux règlements spéciaux, en proportion de la fortune de chaque contribuable.

21. La propriété immobilière et mobilière, régulièrement établie, est garantie.

Aucune expropriation ne peut avoir lieu que pour cause d'utilité publique, dûment constatée et contre le paiement préalable, conformément à la loi, de la valeur de l'immeuble à exproprier.

22. Le domicile est inviolable.

L'autorité ne peut pénétrer de force dans le domicile de qui que ce soit, que dans les cas déterminés par la loi.

23. Nul ne peut être astreint à comparaître devant un Tribunal autre que le Tribunal compétent suivant la Loi de Procédure qui sera édictée.

24. La confiscation des biens, la corvée et le Djérimé (exaction sous forme de pénalité pécuniaire), sont prohibés.

Toutefois les contributions levées légalement en temps de guerre, et les mesures nécessitées par l'état de guerre, sont exceptées de cette disposition.

25. Aucune somme d'argent ne peut être perçue, à titre d'impôt ou de taxe, ou sous toute autre dénomination, qu'en vertu d'une loi.

26. La torture et la question, sous toutes les formes, sont complètement et absolument prohibées.

#### *Des Ministres.*

27. Sa Majesté le Sultan investit de la charge de Grand Vézir et de celle de Chéik-ul-Islam, les personnages que sa haute confiance croit devoir y appeler.

La nomination des autres Ministres a lieu par Iradé (Ordonnance) Impérial.

28. Le Conseil des Ministres se réunit sous la présidence du Grand Vézir.

Les attributions du Conseil des Ministres comprennent toutes les affaires importantes, intérieures ou extérieures, de l'État.

Celles de ses délibérations qui doivent être soumises à la sanction de Sa Majesté le Sultan sont rendues exécutoires par Iradé Impérial.

29. Chaque chef de Département Ministériel administre, dans la limite de ses attributions, les affaires qui ressortissent à son Département.

Pour celles qui dépassent cette limite il en réfère au Grand Vézir.

Le Grand Vézir donne suite aux rapports qui lui sont adressés par les chefs des divers Départements, soit en les déférant, s'il y a lieu, au Conseil des Ministres et ensuite en les présentant à la sanction Impériale, soit, dans le cas contraire, en statuant lui-même ou en les soumettant à la décision de Sa Majesté le Sultan.

Un règlement spécial déterminera ces diverses catégories d'affaires pour chaque Département Ministériel.

30. Les Ministres sont responsables des faits ou actes de leur gestion.

31. Si un ou plusieurs membres de la Chambre des Députés veulent porter plainte contre un Ministre, en raison de sa responsabilité et à l'occasion de faits dont la Chambre a le droit de connaître, la demande contenant la plainte est remise au Président, qui la renvoie dans les trois jours au bureau chargé, en vertu du règlement intérieur, d'examiner la plainte et de décider s'il y a lieu de la soumettre aux délibérations de la Chambre.

La décision du bureau est prise à la majorité des voix, après que les renseignements nécessaires ont été obtenus et que des explications ont été fournies par le Ministre en cause.

Si le bureau est d'avis de soumettre la plainte à la Chambre, le rapport constatant cette décision est lu en séance publique, et la Chambre, après avoir entendu les explications du Ministre en cause

appelé à assister à la séance, ou de son délégué, vote à la majorité absolue de deux tiers des voix, sur les conclusions du rapport.

En cas d'adoption de ces conclusions, une adresse, demandant la mise en jugement du Ministre en cause, est transmise au Grand Vézir, qui la soumet à la sanction de Sa Majesté le Sultan, et le renvoi devant la Haute Cour a lieu en vertu d'un Iradé Impérial.

32. Une loi spéciale déterminera la procédure à suivre pour le jugement des Ministres.

33. Il n'existe aucune différence entre les Ministres et les particuliers en ce qui concerne les procès privés et qui sont en dehors de leurs fonctions.

Les procès de ce genre sont déférés à la juridiction ordinaire.

34. Le Ministre dont la mise en jugement a été prononcée par la Chambre d'Accusation de la Haute Cour est suspendu de ses fonctions jusqu'à ce qu'il ait été déchargé de l'accusation portée contre lui.

35. En cas de rejet, par un vote motivé de la Chambre des Députés, d'un projet de loi pour l'adoption duquel le Ministère croit devoir insister, Sa Majesté le Sultan ordonne, dans l'exercice de sa souveraineté, soit le changement du Ministère, soit la dissolution de la Chambre, à charge de réélection des Députés dans le délai fixé par la loi.

36. En cas de nécessité urgente, si l'Assemblée Générale n'est pas réunie, le Ministère peut prendre des dispositions en vue de prémunir l'État contre un danger, ou de sauvegarder la sécurité publique.

Ces dispositions, sanctionnées par Iradé Impérial, ont provisoirement force de loi, si elles ne sont pas contraires à la Constitution.

Elles doivent être soumises à l'Assemblée Générale dès que celle-ci est réunie.

37. Chaque Ministre a le droit d'assister par un fonctionnaire supérieur de son Département.

Il a également le droit d'être entendu avant tout membre de la Chambre qui aurait demandé la parole.

38. Lorsqu'à la suite d'une décision prise à la majorité des voix, un Ministre est invité à se rendre à la Chambre des Députés pour fournir des explications, il est tenu de répondre aux questions qui lui sont adressées, soit en se présentant personnellement, soit en déléguant un fonctionnaire supérieur de son Département.

Néanmoins, il a le droit d'ajourner sa réponse, s'il le juge nécessaire, en prenant sur lui la responsabilité de cet ajournement.

#### *Des Fonctionnaires Publics.*

39. Toutes les nominations aux diverses fonctions publiques auront lieu conformément aux règlements qui détermineront les



conditions de mérite et de capacité exigées pour l'admission aux emplois de l'État.

Tout fonctionnaire nommé dans ces conditions ne pourra être révoqué ou changé :

S'il n'est pas prouvé que sa conduite justifie légalement sa révocation ;

S'il n'a pas donné sa démission, ou bien encore si sa révocation n'est pas jugée indispensable par le Gouvernement.

Les fonctionnaires qui auront fait preuve de bonne conduite et d'honnêteté, ainsi que ceux dont la mise en disponibilité aura été jugée indispensable par le Gouvernement, auront droit, soit à l'avancement, soit à la pension de retraite, soit au traitement de disponibilité, conformément aux dispositions qui seront déterminées par un règlement spécial.

40. Les attributions des différentes fonctions seront fixées par des règlements spéciaux.

Chaque fonctionnaire est responsable dans la limite de ses attributions.

41. Tout fonctionnaire est tenu de respecter son supérieur ; mais l'obéissance n'est due qu'aux ordres donnés dans les limites tracées par la loi.

Pour les actes contraires à la loi, le fait d'avoir obéi à un supérieur ne peut dégager la responsabilité du fonctionnaire qui les a exécutés.

#### *De l'Assemblée Générale.*

42. L'Assemblée Générale se compose de deux Chambres : la Chambre des Seigneurs ou Sénat, et la Chambre des Députés.

43. Les deux Chambres se réunissent le 1<sup>er</sup> Novembre de chaque année ; l'ouverture a lieu par Iradé Impérial.

La clôture, fixée au 1<sup>er</sup> Mars suivant, a également lieu en vertu d'un Iradé Impérial.

Aucune des deux Chambres ne peut se réunir hors le temps de session de l'autre Chambre.

44. Sa Majesté le Sultan peut, suivant l'exigence des circonstances, avancer l'époque de l'ouverture et abrégé ou prolonger la Session.

45. La solennité de l'ouverture a lieu en présence de Sa Majesté le Sultan, soit en personne, soit représenté par le Grand Vézir et en présence des Ministres et des membres des deux Chambres.

Il est donné lecture d'un discours Impérial exposant la situation intérieure de l'Empire et l'état de ses relations extérieures, dans le cours de l'année écoulée, et indiquant les mesures dont l'adoption, pour l'année suivante, est jugée nécessaire.

46. Tous les membres de l'Assemblée Générale prêtent le ser-

ment d'être fidèles à Sa Majesté le Sultan et à la patrie, d'observer la Constitution, de remplir le mandat qui leur est confié, et de s'abstenir de tout acte contraire à ces devoirs.

La prestation du serment a lieu, pour les nouveaux membres, à l'ouverture de la Session, en présence du Grand Vézir, et, après l'ouverture, en présence de leurs Présidents respectifs, et en séance publique de la Chambre dont ils font partie.

*Bogin* 47. Les membres de l'Assemblée Générale sont libres dans l'émission de leurs opinions ou de leurs votes.

Aucun d'eux ne peut être lié par des instructions ou promesses, ni influencé par des menaces.

Il ne peut être poursuivi pour les opinions ou les votes émis par lui au cours des délibérations de la Chambre dont il fait partie, à moins qu'il n'ait contrevenu au règlement intérieur de cette Chambre, auquel cas les dispositions édictées par le règlement lui sont appliquées.

48. Tout membre de l'Assemblée Générale qui, à la majorité absolue des deux tiers de la Chambre dont il fait partie, est accusé de trahison, de tentative de violation de la Constitution ou de concussion, ou qui a été frappé légalement d'une condamnation à l'emprisonnement ou à l'exil, est déchu de sa qualité de Sénateur ou de Député.

Le jugement et l'application de la peine appartiennent au Tribunal compétent.

49. Chaque membre de l'Assemblée Générale émet son vote en personne.

Il a le droit de s'abstenir au moment du vote.

50. Nul ne peut être à la fois membre des deux Chambres.

51. Aucune délibération ne peut avoir lieu, dans l'une ou l'autre Chambre, qu'autant que la moitié plus un de ses membres se trouvent réunis.

Hors le cas où la majorité des deux tiers est requise, toute résolution est prise à la majorité absolue des membres présents.

En cas de partage, la voix du Président est prépondérante.

52. Toute pétition relative à des intérêts privés, présentée à l'une ou à l'autre Chambre, est rejetée si les recherches auxquelles elle donne lieu ont eu pour résultat de constater que le pétitionnaire ne s'est pas adressé en premier lieu aux fonctionnaires publics que la demande concerne ou à l'autorité de laquelle relèvent ces fonctionnaires.

53. L'initiative de la proposition d'une loi ou de la modification d'une loi existante appartient au Ministère.

Le Sénat et la Chambre des Députés peuvent aussi demander une nouvelle loi ou la modification d'une loi existante sur des matières comprises dans leurs attributions.

Dans ce dernier cas la demande est soumise par le Grand Vézir à Sa Majesté le Sultan, et, s'il y a lieu, le Conseil d'État est chargé en vertu d'un Iradé Impérial, de préparer le projet de loi qui fait l'objet de la proposition, sur les renseignements et éclaircissements fournis par les Départements compétents.

54. Les projets de loi élaborés par le Conseil d'État sont soumis en premier lieu à la Chambre des Députés, et, en second lieu, au Sénat.

Ces projets n'ont force de loi que si, après avoir été adoptés par les deux Chambres, ils sont sanctionnés par Iradé Impérial.

Tout projet de loi définitivement rejeté par l'une des deux Chambres ne peut être soumis à une nouvelle délibération dans le cours de la même Session.

55. Un projet de loi n'est pas considéré comme adopté s'il n'a été voté successivement par la Chambre des Députés et le Sénat, à la majorité des voix, Article par Article, et si l'ensemble du projet n'a réuni la majorité des voix dans chacune des deux Chambres.

56. À l'exception des Ministres, de leurs délégués et des fonctionnaires convoqués par une invitation spéciale, nul ne peut être introduit dans l'une ou l'autre Chambre, ni admis à faire une communication quelconque, soit qu'il se présente en son nom, soit comme représentant un groupe d'individus.

57. Les délibérations des Chambres ont lieu en langue Turque.

Les projets sont imprimés et distribués avant le jour fixé pour la discussion.

58. Les votes sont émis : par appel nominal, par des signes de manifestation extérieure, ou par voie de scrutin secret.

Le vote au scrutin secret est subordonné à une décision de la Chambre, prise à la majorité des membres présents.

59. La police intérieure de chaque Chambre est exercée par son Président.

#### *Du Sénat.*

60. Le Président et les membres du Sénat sont nommés directement par Sa Majesté le Sultan.

Le nombre des Sénateurs ne peut excéder le tiers des membres de la Chambre des Députés.

61. Pour pouvoir être nommé Sénateur, il faut :—

S'être rendu, par ses actes, digne de la confiance publique ou avoir rendu des services signalés à l'État ;

Être âgé d'au moins 40 ans.

62. Les Sénateurs sont nommés à vie.

La dignité de Sénateur peut être conférée aux personnages en disponibilité ayant exercé les fonctions de Ministre, Gouverneur, Général (Vali), Commandant de Corps d'Armée, Cazasker (Grand

Juge), Ambassadeur ou Ministre Plénipotentiaire, Patriarche, Khakham-Bachi (Grand Rabbin), aux Généraux de Division des armées de terre et de mer, et, en général, aux personnes réunissant les conditions requises.

Les membres du Sénat appelés, sur leur demande, à d'autres fonctions, perdent leur qualité de Sénateur.

63. Le traitement de Sénateur est fixé à la somme mensuelle de 10,000 piastres.

✓ Le Sénateur qui reçoit du Trésor un traitement ou des allocations à un autre titre n'a droit qu'au complément, si leur montant est inférieur à 10,000 piastres.

✓ Si ce chiffre est égal ou supérieur au traitement de Sénateur, il continue à en toucher le montant.

64. Le Sénat examine les projets de loi ou de Budget qui lui sont transmis par la Chambre des Députés.

Si dans le cours de l'examen d'un projet de loi, le Sénat relève une disposition contraire aux droits souverains de Sa Majesté le Sultan, à la liberté, à la Constitution, à l'intégrité territoriale de l'Empire, à la sûreté intérieure du pays, à l'intérêt de la défense de la patrie ou aux bonnes mœurs, il le rejette définitivement par un vote motivé, ou il le renvoie, accompagné de ses observations, à la Chambre des Députés, en demandant qu'il soit amendé ou modifié dans le sens de ses observations.

Les projets de loi adoptés par le Sénat sont revêtus de son approbation et transmis au Grand Vézir.

Le Sénat examine les pétitions qui lui sont présentées; il transmet au Grand Vézir celles de ces pétitions qu'il croit mériter ce renvoi, en les accompagnant de ses observations.

#### *De la Chambre des Députés.*

65. Le nombre des Députés est fixé à raison d'un Député sur 50,000 individus du sexe masculin appartenant à la nationalité Ottomane.

66. L'élection a lieu au scrutin secret. Le mode d'élection sera déterminé par une loi spéciale.

67. Le mandat de Député est incompatible avec les fonctions publiques, à l'exception de celles de Ministre.

Toute autre fonctionnaire public, élu à la députation, est libre de l'accepter ou de la refuser, mais, en cas d'acceptation, il doit résigner ses fonctions.

68. Ne peuvent être élus Députés :—

(1.) Ceux qui n'appartiennent pas à la nationalité Ottomane;

(2.) Ceux qui, en vertu du règlement spécial en vigueur, jouissent des immunités attachées au service étranger qu'ils exercent;

- (3.) Ceux qui ne connaissent pas le Turc ;
- (4.) Ceux qui n'ont pas l'âge de 30 ans révolus ;
- (5.) Les gens attachés au service d'un particulier ;
- (6.) Les faillis non-réhabilités ;
- (7.) Ceux qui sont notoirement déconsidérés par leur conduite ;
- (8.) Les individus qui ont été frappés d'interdiction judiciaire, tant que cette interdiction n'est pas levée ;
- (9.) Ceux qui ne jouissent pas de leurs droits civils ;
- (10.) Ceux qui prétendent appartenir à une nation étrangère.

Après l'expiration de la première période de quatre années, l'une des conditions de l'éligibilité à la députation sera de savoir lire le Turc, et, autant que possible, écrire dans cette langue.

69. Les élections générales des Députés ont lieu tous les quatre ans.

Le mandat de chaque Député ne dure que quatre ans ; mais il est rééligible.

✓ 70. Les élections générales commencent, au plus tard, quatre mois avant le 1<sup>er</sup> Novembre, qui est la date fixée pour la réunion de la Chambre.

71. Chaque membre de la Chambre des Députés représente l'universalité des Ottomans, et non exclusivement la circonscription qui l'a nommé.

72. Les électeurs sont tenus de choisir leurs Députés parmi les habitants de la province à laquelle ils appartiennent.

✓ 73. En cas de dissolution de la Chambre par Iradé Impérial, les élections générales doivent commencer en temps nécessaire pour que la Chambre puisse se réunir de nouveau, au plus tard, dans les six mois de la date de la dissolution.

✓ 74. En cas de décès, d'interdiction judiciaire, d'absence prolongée, de perte de la qualité de Député résultant d'une condamnation ou de l'acceptation de fonctions publiques, il est procédé à un remplacement, conformément aux prescriptions de la loi électorale, et dans un délai tel que le nouveau Député puisse exercer son mandat, au plus tard, dans la session suivante.

✓ 75. Le mandat des Députés élus pour remplir une place vacante ne dure que jusqu'aux prochaines élections générales.

76. Il sera alloué par le Trésor, à chaque Député, 20,000 piastres par session et ses frais de voyage pour l'aller et le retour.

Le chiffre de ces frais sera établi conformément aux dispositions du règlement qui régit les indemnités de route payées aux fonctionnaires civils de l'État, et calculé sur la base d'un traitement mensuel de 5,000 piastres.

77. Le Président et les deux Vice-Présidents de la Chambre des Députés sont choisis, par Sa Majesté le Sultan, sur une liste de neuf candidats élus par la Chambre, à la majorité des voix, dont trois pour

la Présidence, trois pour la première Vice-Présidence, et trois pour la deuxième Vice-Présidence.

✓ La nomination du Président et des Vice-Présidents a lieu par l'iradé Impérial.

78. Les séances de la Chambre des Députés sont publiques.

Toutefois, la Chambre pourra se former en comité secret si la proposition en est faite par les Ministres, ou par le Président, ou par 15 membres, et que cette proposition est votée en comité secret.

79. Aucun Député ne peut, pendant la durée de la session, être arrêté ou poursuivi, sauf le cas de flagrant délit, que sur une décision prise par la majorité de la Chambre accordant l'autorisation de poursuivre.

80. La Chambre des Députés discute les projets de loi qui lui sont soumis.

Elle adopte, amende, ou rejette les dispositions concernant les finances ou la Constitution.

Elle examine en détails les dépenses générales de l'État comprises dans la loi du Budget, et en arrête le montant avec les Ministres.

Elle détermine également, d'accord avec les Ministres, la nature, le montant et le mode de répartition et de réalisation des recettes destinées à faire face aux dépenses.

### *Du Pouvoir Judiciaire. (H)*

81. Les Juges nommés conformément à la loi spéciale sur cette matière et munis du brevet d'investiture (bérat) sont inamovibles ; mais ils peuvent donner leur démission.

L'avancement des Juges dans l'ordre hiérarchique, leur déplacement, leur mise à la retraite, leur révocation en cas de condamnation judiciaire, sont soumis aux dispositions de la même loi.

Cette loi détermine les conditions et qualités requises pour exercer les fonctions de Juge ou les autres fonctions de l'ordre judiciaire.

82. Les audiences de tous les Tribunaux sont publiques.

La publication des jugements est autorisée.

Toutefois, dans les cas spécifiés par la loi, le Tribunal peut tenir l'audience à huis clos.

83. Tout individu peut, dans l'intérêt de sa défense, faire usage devant le Tribunal des moyens permis par la loi.

84. Aucun Tribunal ne peut se refuser, sous quelque prétexte que ce soit, à juger une affaire qui est de sa compétence.

Il ne peut non plus en arrêter ou ajourner le jugement, après qu'il a commencé à procéder à l'examen ou à l'instruction, à moins qu'il n'y ait désistement de la part du demandeur.

Toutefois, en matière pénale, l'action publique continue à s'exercer

conformément à la loi, dans le cas même où le demandeur s'est désisté.

85. Chaque affaire est jugée par le Tribunal auquel cette affaire ressortit.

Les procès entre les particuliers et l'État sont de la compétence des Tribunaux ordinaires.

86. Aucune ingérence ne peut être exercé dans les Tribunaux.

87. Les affaires concernant le Chéri sont jugées par les Tribunaux du Chéri; le jugement des affaires civiles appartient aux Tribunaux Civils.

88. Les diverses catégories de Tribunaux, leur compétence, leurs attributions et les émoluments des Juges, sont réglés par les lois.

89. En dehors des Tribunaux ordinaires il ne peut être institué, sous quelque dénomination que ce soit, de Tribunaux extraordinaires, ni de Commissions pour juger certaines affaires spéciales.

Toutefois, l'arbitrage (takkin) et la nomination de "muvela" (Juge délégué) sont permis dans les formes déterminées par la loi.

90. Aucun Juge ne peut cumuler ses fonctions avec d'autres fonctions rétribuées par l'État.

91. Il sera instituée des Procureurs Impériaux chargés d'exercer l'action publique.

Leurs attributions et leur hiérarchie seront fixées par la loi.

#### *De la Haute Cour. (H)*

92. La Haute Cour est formée de 30 membres, dont 10 Sénateurs, 10 Conseillers d'État, et 10 membres choisis parmi les Présidents et les membres de la Cour de Cassation et de la Cour d'Appel.

Tous les membres sont désignés par le sort.

La Haute Cour est convoquée lorsqu'il y a lieu, par Iradé Impérial, et se réunit à l'Hôtel du Sénat.

Ses attributions consistent à juger :

Les Ministres ;

Le Président et les membres de la Cour de Cassation ;

Et toutes autres personnes accusées du crime de lèse-majesté ou d'attentat contre la sûreté de l'État.

93. La Haute Cour se compose de deux Chambres : la Chambre d'Accusation et la Chambre de Jugement. ✓

La Chambre d'Accusation est formée de neuf membres désignés par le sort parmi les membres de la Haute Cour, et dont trois Sénateurs, trois Conseillers d'État, et trois membres de la Cour de Cassation ou de la Cour d'Appel.

94. Le renvoi devant la Chambre de Jugement est prononcé par la Chambre d'Accusation, à la majorité de deux tiers de ses membres.

Les membres appartenant à la Chambre d'Accusation ne peuvent prendre part aux délibérations de la Chambre de Jugement.

95. La Chambre de Jugement est formée de 21 membres, dont sept Sénateurs, sept Conseillers d'État, et sept membres de la Cour de Cassation ou de la Cour d'Appel.

Elle juge à la majorité des deux tiers de ses membres et conformément aux lois en vigueur les procès qui lui sont renvoyés par la Chambre d'Accusation.

Ses jugements ne sont susceptibles ni d'appel ni de recours en cassation.

#### *Des Finances.*

96. Aucun impôt au profit de l'État ne peut être établi, réparti, ni perçu qu'en vertu d'une loi.

97. Le Budget est la loi qui contient les prévisions des recettes et des dépenses de l'État.

Les impôts au profit de l'État sont régis par cette loi quant à leur assiette, leur répartition, et leur perception.

98. L'examen et le vote, par l'Assemblée Générale, de la Loi du Budget a lieu par articles.

Les tableaux annexes, comprenant le détail des recettes et des dépenses, sont divisés en sections, chapitres, et articles, conformément au modèle défini par les règlements.

Ces tableaux sont votés par chapitres.

99. Le projet de loi du Budget est soumis à la Chambre des Députés immédiatement après l'ouverture de la session, afin de rendre possible sa mise à exécution à partir du commencement de l'exercice auquel il se rapporte.

100. Aucune dépense extra-budgétaire ne peut être effectuée sur les fonds de l'État qu'en vertu d'une loi.

101. En cas d'urgence motivée par des circonstances extraordinaires les Ministres peuvent, pendant l'absence de l'Assemblée Générale, créer, par Iradé Impérial, les ressources nécessaires et effectuer une dépense non prévue au Budget, à la condition d'en saisir l'Assemblée Générale par un projet de loi, au début de sa plus prochaine réunion.

102. Le Budget est voté pour un an ; il n'a force de loi que pour l'année à laquelle elle se rapporte.

Moutefois, si par suite de circonstances exceptionnelles, la Chambre des Députés est dissoute avant le vote du Budget, les Ministres peuvent, par un arrêté pris en vertu d'un Iradé Impérial, appliquer le Budget de l'année précédente jusqu'à la session prochaine, sans que l'application provisoire de ce Budget puisse dépasser le terme d'une année.

103. La loi de règlement définitif du Budget indique le montant des recettes réalisées et des paiements effectués sur les revenus et les dépenses de l'année à laquelle elle se rapporte.



✓ Sa forme et ses divisions doivent être les mêmes que celles du Budget.

104. Le projet de loi de règlement définitif est soumis à la Chambre des Députés, au plus tard, dans le terme de quatre ans, à partir de la fin de l'année à laquelle il se rapporte.

105. Il sera institué une Cour des Comptes chargée de l'examen des opérations des comptables de finances, ainsi que des comptes annuels dressés par les divers Départements Ministériels.

✓ Elle adressera chaque année à la Chambre des Députés un rapport spécial comprenant le résultat de ses travaux, accompagné de ses observations.

✓ A la fin de chaque trimestre elle présentera à Sa Majesté le Sultan, par l'intermédiaire du Grand Vézir, un rapport contenant l'exposé de la situation financière.

106. La Cour des Comptes sera composée de 12 membres inamovibles, nommés par Iradé Impérial.

Aucun d'eux ne pourra être révoqué sans que la proposition motivée de sa révocation ne soit approuvée par une décision de la Chambre des Députés, prise à la majorité des voix.

107. Les conditions et qualités exigées des membres de la Cour des Comptes, le détail de leurs attributions, les règles applicables en cas de démission, de remplacement, d'avancement et de mise à la retraite, ainsi que l'organisation des bureaux de la Cour, seront déterminés par une loi spéciale.

### *De l'Administration Provinciale. (H)*

108. L'administration des provinces aura pour base le principe de la décentralisation.

Les détails de cette organisation seront fixés par une loi.

109. Une loi spéciale règlera sur des bases plus larges l'élection des Conseils Administratifs de province (vilayet), de district (sandjak), et de canton (caza), ainsi que celle du Conseil Général qui se réunit annuellement au chef-lieu de chaque province.

110. Les attributions du Conseil Général Provincial seront fixées par la même loi spéciale et elles comprendront :

La faculté de délibérer sur les objets d'utilité publique, tels que l'établissement de voies de communications, l'organisation des caisses de crédit agricole, le développement de l'industrie, du commerce et de l'agriculture, et la propagation de l'instruction publique.

Le droit de porter plainte aux autorités compétentes pour obtenir le redressement des faits ou actes commis en contravention des lois et règlements, soit dans la répartition ou la perception des impôts, soit en toute autre matière.

111. Il y aura dans chaque caza un Conseil afférent à chacune des différentes communautés. Ce Conseil sera chargé de contrôler :

(1.) L'administration des revenus des immeubles ou des fonds vakoufs (fondations pieuses) dont la destination spéciale est fixée par les dispositions expresses des fondateurs ou par l'usage ;

(2.) L'emploi des fonds ou des biens affectés, par disposition testamentaire, à des actes de charité ou de bienfaisance ;

(3.) L'administration des fonds des orphelins, conformément au règlement spécial qui régit la matière.

Chaque Conseil sera composé de membres élus par la communauté qu'il représente, conformément aux règlements spéciaux à établir.

Ces Conseils relèveront des autorités locales et des Conseils Généraux de province.

112. Les affaires municipales seront administrées, à Constantinople et dans les provinces, par des Conseils Municipaux élus.

L'organisation des Conseils Municipaux, leurs attributions, et le mode d'élection de leurs membres, seront déterminés par une loi spéciale.

#### *Dispositions Diverses. (4)*

113. En cas de constatation de faits ou d'indices de nature à faire prévoir des troubles sur un point du territoire de l'Empire, le Gouvernement Impérial a le droit d'y proclamer l'état de siège.

Les effets de l'état de siège consistent dans la suspension temporaire des lois civiles.

Le mode d'administration des localités soumises au régime de l'état de siège sera réglé par une loi spéciale.

À Sa Majesté le Sultan appartient le pouvoir exclusif d'expulser du territoire de l'Empire ceux qui, à la suite d'informations dignes de confiance recueillies par l'administration de la police, sont reconnus comme portant atteinte à la sûreté de l'État.

114. L'instruction primaire sera obligatoire pour tous les Ottomans.

Les détails d'application seront déterminés par une loi spéciale.

115. Aucune disposition de la Constitution ne peut, sous quelque prétexte que ce soit, être suspendue ou délaissée.

116. En cas de nécessité, dûment constatée, la Constitution peut être modifiée dans quelques-unes de ses dispositions. Cette modification est subordonnée aux conditions suivantes :—

Toute proposition de modification présentée soit par le Ministère, soit par l'une ou l'autre Chambre, devra être soumise en premier lieu aux délibérations de la Chambre des Députés.

Si la proposition est approuvée à la majorité des deux tiers des membres de cette Chambre, elle sera transmise au Sénat.

Dans le cas où le Sénat adopterait également la modification proposée à la majorité des deux tiers des Sénateurs, elle sera soumise à la sanction de Sa Majesté le Sultan.

Si elle est sanctionnée par Iradé Impérial, elle aura force de loi.

Toute disposition de la Constitution faisant l'objet d'une proposition de modification reste en vigueur jusqu'au moment où la proposition, après avoir subi l'épreuve des délibérations des Chambres, a été sanctionnée par Iradé Impérial.

117. L'interprétation des lois appartient :—

À la Cour de Cassation pour les lois civiles et pénales ;

Au Conseil d'État, pour les lois administratives ;

Et au Sénat pour les dispositions de la Constitution.

118. Toutes les dispositions des lois, règlements, us et coutumes actuellement en vigueur continueront d'être appliquées, tant qu'elles n'auront pas été modifiées ou abrogées par des lois ou règlements.

119. L'instruction provisoire du 10 Chéval, 1293 (1<sup>er</sup> Octobre, 1876), concernant l'Assemblée Générale, cessera d'avoir son effet à partir de la clôture de la première session.

*CONVENTION de Commerce et de Navigation entre la Russie et la Roumanie.—Signée à Bucharest, le 1<sup>er</sup> Mars, 1876.*

[Ratifications échangées à Bucharest, le <sup>21 Octobre,</sup><sub>3 Novembre,</sub> 1876.]

LE Gouvernement de Sa Majesté l'Empereur de Toutes les Russies, et le Gouvernement de Son Altesse le Prince de Roumanie, animés du désir de faciliter et de développer les relations commerciales entre les deux États, ont résolu de conclure dans ce but une Convention de Commerce et de Navigation, et ont nommé pour leurs Plénipotentiaires, savoir :

Sa Majesté l'Empereur de Toutes les Russies, son Agent Diplomatique et Consul-Général à Bucharest, le Conseiller d'État Actuel Jean Zinoview, Chevalier des Ordres Russes de St. Vladimir de la troisième classe, de Ste. Anne de la deuxième classe avec la Couronne Impériale, et de St. Stanilas de la deuxième classe avec la Couronne Impériale, &c. ; et

Son Altesse le Prince de Roumanie, son Ministre Secrétaire d'État aux Affaires Étrangères, Jean de Balatchano, &c. ;

Lesquels, après s'être communiqué leurs pleins-pouvoirs respectifs, trouvés en bonne et due forme, sont convenus des Articles suivants :—

**ART. I.** Il y aura réciproquement pleine et entière liberté de commerce et de navigation pour les bâtiments et les nationaux des Hautes Parties Contractantes dans les villes, ports, rivières, ou lieux quelconques des deux États, dont l'entrée est actuellement permise ou pourra l'être à l'avenir aux sujets et aux navires de toute autre nation étrangère.

Les Russes en Roumanie et les Roumains en Russie pourront réciproquement, en se conformant aux lois du pays, entrer, voyager ou séjourner en toute liberté, dans quelque partie que ce soit des territoires et possessions respectifs, pour y vaquer à leurs affaires, et jouiront à cet effet, pour leurs personnes et leurs biens, de la même protection et sécurité que les nationaux.

Ils pourront dans toute l'étendue des deux territoires exercer l'industrie, faire le commerce, tant en gros qu'en détail, louer ou posséder les maisons, magasins, boutiques ou terrains qui leur seront nécessaires, sans être assujettis, soit pour leurs personnes ou leurs biens, soit pour exercer leur commerce ou leur industrie, à des taxes générales ou locales, ni à des impôts ou obligations de quelque nature qu'ils soient autres ou plus onéreux que ceux qui sont ou qui pourront être établis sur les nationaux.

Il est entendu toutefois que les stipulations qui précèdent ne dérogent en rien aux lois, ordonnances, et règlements spéciaux en matière de commerce, d'industrie, de police, et de sûreté générale en vigueur dans chacune des deux pays, et applicables à tous les étrangers en général, et en ce qui concerne la Roumanie aux lois et prescriptions relatives à la prohibition d'acquérir et de posséder des biens immeubles ruraux.

**II.** Les Russes en Roumanie et les Roumains en Russie auront pleine liberté d'acquérir, de posséder et d'aliéner, dans toute l'étendue des territoires et possessions respectifs, toute espèce de propriété que les lois du pays permettent ou permettront aux sujets de toute autre nation étrangère d'acquérir ou de posséder.

Ils pourront en faire l'acquisition et en disposer par vente, donation, échange, mariage, testament ou de quelque autre manière que ce soit, dans les mêmes conditions qui sont ou seront établies à l'égard des sujets de toute autre nation étrangère, sans être assujettis à des taxes, impôts ou charges sous quelque dénomination que ce soit autres ou plus élevés que ceux qui sont ou seront établis sur les nationaux.

Ils pourront de même exporter librement le produit de la vente de leur propriété et leurs biens en général, sans être assujettis à payer comme étrangers, à raison de l'exportation, des droits autres ou plus élevés que ceux que les nationaux auraient à acquitter en pareille circonstance.

**III.** Les Russes en Roumanie et les Roumains en Russie seront

réciroquement exempts de tout service personnel, soit dans les armées de terre et de mer, soit dans les gardes ou milices nationales ; de toute contribution, soit en argent, soit en nature, destinée à tenir lieu du service personnel ; de tout emprunt forcé et de toute prestation ou réquisition militaire.

Sont, toutefois, exceptées les charges qui sont attachées à la possession, à titre quelconque, d'un bien-fonds, ainsi que les prestations et les réquisitions militaires auxquelles tous les nationaux peuvent être appelés à se soumettre comme propriétaires fonciers ou comme fermiers.

Ils seront également dispensés de toute charge et fonction judiciaire ou municipale quelconque.

IV. Les navires Russes et leur cargaison dans un port de Roumanie, et réciroquement les navires Roumains et leur cargaison en Russie, à leur arrivée, soit directement du pays d'origine, soit d'un autre pays, et quel que soit le lieu de provenance ou la destination de leur cargaison, jouiront, sous tous les rapports, du même traitement que les navires nationaux et leur cargaison.

Aucun droit, taxe ou charge quelconque, pesant, sous quelque dénomination que ce soit, sur la coque du navire, son pavillon ou sa cargaison, et perçu au nom ou au profit du Gouvernement, de fonctionnaires publics, de particuliers, de corporations ou d'établissements quelconques, ne sera imposé aux bâtiments de l'un des deux États dans les ports de l'autre, à leur arrivée, durant leur séjour et à leur sortie, qui ne serait pas également et dans les mêmes conditions imposé aux navires nationaux.

V. La nationalité des bâtiments sera admise, de part et d'autre, d'après les lois et règlements particuliers à chaque pays, au moyen des titres et patentes délivrés aux capitaines ou patrons par les autorités compétentes.

VI. En tout ce qui concerne le placement des navires, leur chargement et leur déchargement dans les ports, rades, havres, bassins, fleuves, rivières ou canaux, et généralement pour toutes les formalités et dispositions quelconques auxquelles peuvent être soumis les navires de commerce, leurs équipages et leurs cargaisons, il ne sera accordé aux navires nationaux, dans l'un des deux États, aucun privilège ni aucune faveur qui ne le soit également aux navires de l'autre ; la volonté des Hautes Parties Contractantes étant que, sous ce rapport, les bâtiments Russes et les bâtiments Roumains soient traités sur le pied d'une parfaite égalité et jouissent réciroquement des avantages accordés à la nation la plus favorisée.

VII. Les capitaines et patrons des bâtiments Russes et Roumains seront réciroquement exempts de toute obligation de recourir, dans les ports respectifs des deux États, aux expéditionnaires officiels, et ils pourront en conséquence librement se servir

soit de leurs Agents Consulaires respectifs, soit des expéditionnaires qu'ils désigneront eux-mêmes, sauf à se conformer, dans les cas prévus par le code de commerce et les règlements douaniers Russes, et le code de commerce et les règlements douaniers Roumains, aux dispositions auxquelles la présente clause n'apporte aucune dérogation.

VIII. Les dispositions de la présente Convention ne sont point applicables à la navigation de côte ou cabotage, laquelle demeure exclusivement réservée, dans chacun des deux pays, au pavillon national.

Il est bien entendu que les dispositions de cet Article ne dérogent en rien aux principes admis par le Congrès de Vienne et consacrés par le Traité de Paris au sujet des fleuves qui séparent ou traversent plusieurs États.

IX. Ni les navires Russes, ni les marchandises se trouvant à bord de ces navires, n'auront à acquitter dans les ports de la rive Roumaine du Danube aucun droit spécial, si ce n'est les taxes actuellement en vigueur dans ces ports et établies dans le seul but d'y améliorer le stationnement des navires et de favoriser l'exécution de certains travaux publics destinés à faciliter le chargement et le déchargement des marchandises.

Sous le rapport de ces taxes, du droit de quai ainsi que sous tous les autres, les navires et les marchandises Russes seront assimilés dans les ports Roumains aux navires et marchandises nationaux, ainsi qu'à ceux de la nation la plus favorisée.

X. Les compagnies de navigation Russes, ainsi que les propriétaires des bateaux faisant un service régulier de transport sur le Danube, pourront acquérir dans les échelles Roumaines, aux débarcadères des stations de leurs bateaux, les terrains nécessaires pour l'installation de leurs bureaux, ateliers et magasins, et il leur sera permis d'y établir des magasins spéciaux qui seront considérés comme entrepôts dès qu'ils répondront à toutes les exigences des lois Roumaines en vigueur à ce sujet.

XI. Il est entendu que les stipulations de la présente Convention seront applicables à tous les bâtiments naviguant sous pavillon Russe, sans distinction aucune entre la marine marchande Russe proprement dite et celle qui appartient plus particulièrement au Grand-Duché de Finlande.

XII. Il est fait exception aux stipulations de la présente Convention en ce qui concerne les avantages dont les produits de la pêche nationale sont ou pourront être l'objet.

XIII. Les marchandises de toute nature, produits de l'industrie ou du sol de l'un des deux États, qui peuvent ou pourront être légalement importées dans l'autre, ou en être exportées, soit par terre, soit par eau, ne seront assujetties à aucun droit d'entrée ou de

sortie, autre que ceux qu'auront à payer les produits similaires de toute autre nation étrangère la plus favorisée.

XIV. En tout ce qui concerne les droits de douane, à l'entrée et à la sortie par les frontières de terre ou de mer, droits d'importation, d'exportation et autres, les deux Hautes Parties Contractantes se promettent réciproquement de n'accorder aucun abaissement de taxe, privilège, faveur ou immunité quelconque aux sujets et aux produits d'un autre État, qui ne soit aussi, et à l'instant, étendu sans condition aux nationaux et aux produits respectifs des deux pays; la volonté des deux Hautes Parties Contractantes étant que, pour tout ce qui concerne l'importation, l'exportation, le transit, l'entrepôt, la réexportation, les droits locaux, le courtage, les tarifs et les formalités de douane, de même que pour tout ce qui a rapport à l'exercice du commerce et de l'industrie, les Russes en Roumanie et les Roumains en Russie jouissent du traitement de la nation la plus favorisée.

XV. Aucune prohibition à l'importation ou à l'exportation ne pourra être établie par l'une des Hautes Parties Contractantes à l'égard de l'autre qui ne soit en même temps applicable à toutes les autres nations étrangères, excepté, toutefois, les prohibitions ou restrictions temporaires que l'un ou l'autre Gouvernement jugerait nécessaire d'établir en ce qui concerne la contrebande de guerre ou pour des motifs sanitaires.

XVI. Dans le but de faciliter le transit des produits Russes par le territoire Roumain il a été convenu :—

(a.) Que tous les produits qui, en vertu de la présente Convention, pourront être introduits en franchise de droits de douane en Roumanie seront également exempts des taxes d'exportation et de retour, ainsi que des taxes de plombage, à la condition d'être vérifiées à l'entrée et à la sortie, et appuyées, dans ce dernier cas, d'un titre d'origine émanant de la douane de départ;

(b.) Que le cautionnement en numéraire que les expéditeurs en transit de produits non fabriqués auront à déposer à la douane d'entrée Roumaine ne dépassera, dans aucun cas, le montant des droits d'importation que ces produits auraient eu à supporter en vertu de la présente Convention s'ils avaient été destinés à la Roumanie, sauf aux dits expéditeurs à tenir compte à la douane, en dehors du cautionnement ci-dessus spécifié, des taxes de plombage reconnues exigibles et à se soumettre aux vérifications d'entrées et de sortie indiquées ci-dessus; et

(c.) Que les produits non fabriqués pourront être conservés par l'expéditeur et à sa libre disposition pendant un délai de six mois dans les entrepôts Roumains conformément aux lois et règlements spéciaux établis à cet égard.

XVII. Toute reproduction dans l'un des deux États des marques

de fabrique ou de commerce apposées dans l'autre sur certaines marchandises, pour constater leur origine et leur qualité, de même que toute mise en vente ou en circulation de produits revêtus de marques de fabriques ou de commerce, Russes ou Roumaines, contrefaites en tout pays étranger, seront sévèrement interdites sur le territoire des deux pays et passibles des peines édictées par les lois du pays.

Les opérations illicites mentionnées au présent Article pourront donner lieu, devant les tribunaux et selon les lois du pays où elles auront été constatées, à une action en dommages et intérêts valablement exercée par la partie lésée envers ceux qui s'en seront rendus coupables.

Les nationaux de l'un des deux États qui voudront s'assurer, dans l'autre, la propriété de leurs marques de fabrique ou de commerce, seront tenus de les déposer exclusivement, savoir: les marques d'origine Roumaine à St. Pétersbourg, au Département du Commerce et des Manufactures, et les marques d'origine Russe à Bucharest, au greffe du Tribunal de Commerce.

En cas de doute ou de contestation il est entendu que les marques de fabrique ou de commerce auxquelles s'applique le présent Article sont celles qui dans chacun des deux pays sont légitimement acquises, conformément à la législation de leur pays, aux industriels et négociants qui en usent.

Le Gouvernement de Son Altesse le Prince de Roumanie se proposant de présenter prochainement aux Chambres Roumaines une loi sur les marques de fabrique et de commerce, le présent Article ne deviendra applicable qu'après que la loi en question, conforme aux dispositions généralement admises en cette matière, aura été mise en vigueur.

XVIII. Les relations commerciales de la Russie avec les Royaumes de Suède et de Norvège et les États et pays limitrophes de l'Asie étant réglées par des stipulations spéciales concernant le commerce de frontière et indépendantes des règlements applicables au commerce étranger en général, les deux Hautes Parties Contractantes conviennent que les dispositions spéciales contenues dans le Traité passé entre la Russie et la Suède et la Norvège le 26 Avril (8 Mai), 1838,\* ainsi que celles qui sont relatives au commerce avec les autres États et pays ci-dessus mentionnés, ne pourront, dans aucun cas, être invoquées pour modifier les relations de commerce et de navigation établies entre les deux Hautes Parties Contractantes par la présente Convention.

XIX. La présente Convention restera en vigueur pendant dix années à partir du jour de l'échange des ratifications. Dans le cas où



aucune des Hautes Parties Contractantes n'aurait notifié, 12 mois avant la fin de la dite période, son intention d'en faire cesser les effets, elle demeurera obligatoire jusqu'à l'expiration d'une année à partir du jour où l'une ou l'autre des deux Hautes Parties Contractantes l'aura dénoncée.

Les dispositions qui précèdent seront exécutoires dans les deux États un mois après l'échange des ratifications.

Les deux Hautes Parties Contractantes se réservent le droit d'introduire plus tard et d'un commun accord dans cette Convention les modifications qui seraient jugées conformes à son esprit et à ses principes et dont l'opportunité serait démontrée par l'expérience.

XX. La présente Convention sera ratifiée, et les ratifications en seront échangées à Bucharest le plus tôt que faire se pourra.

En foi de quoi les Plénipotentiaires respectifs l'ont signée et y ont apposé le sceau de leurs armes.

Fait à Bucharest le  $\frac{1}{4}$  Mars, de l'an de grâce 1876.

(L.S.) JEAN ZINOVIEV.

(L.S.) JEAN DE BALATCHANO.

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#### ARTICLE SÉPARÉ.

Au moment de procéder à la signature de la Convention de Commerce et de Navigation conclue à la date de ce jour entre la Russie et la Roumanie, les Plénipotentiaires soussignés de Sa Majesté l'Empereur de Toutes les Russies et de Son Altesse le Prince de Roumanie ont fait la déclaration suivante :—

Les faveurs qui sont ou seront accordées en Roumanie, par des stipulations spéciales ou additionnelles, à un État limitrophe quelconque, et les réductions ou exemptions de droits dont l'application est ou sera restreinte à certaines frontières ou aux habitants de certains districts, seront étendues à ce même titre aux nationaux et produits Russes.

Le présent Article Séparé aura la même force et la même durée que la Convention de Commerce et de Navigation conclue à la date de ce jour.

En foi de quoi les Plénipotentiaires respectifs l'ont signé et revêtu du sceau de leurs armes.

Fait à Bucharest le  $\frac{1}{4}$  Mars, de l'an de grâce 1876.

(L.S.) JEAN ZINOVIEV.

(L.S.) JEAN DE BALATCHANO.

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**BRITISH ORDER IN COUNCIL, extending the British System of Tonnage Measurement to Norwegian Vessels.— Windsor, May 17, 1876.**

At the Court at Windsor, the 17th day of May, 1876.

**PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.**

WHEREAS by the "Merchant Shipping Act Amendment Act, 1862,"\* it is enacted, that whenever it is made to appear to Her Majesty that the rules concerning the measurement of tonnage of merchant-ships for the time being in force under the principal Act have been adopted by the Government of any foreign country, and are in force in that country, it shall be lawful for Her Majesty by Order in Council to direct that the ships of such foreign country shall be deemed to be of the tonnage denoted in their certificate of registry or other national papers, and thereupon it shall no longer be necessary for such ships to be remeasured in any port or place in Her Majesty's dominions; but such ships shall be deemed to be of the tonnage denoted in their certificates of registry or other papers, in the same manner, to the same extent, and for the same purposes, in, to, and for which the tonnage denoted in the certificate of registry of British ships is to be deemed the tonnage of such ships.

And whereas it has been made to appear to Her Majesty that the rules concerning the measurement of tonnage of merchant-ships now in force under the "Merchant Shipping Act, 1854,"† have been adopted by the Royal Norwegian Government, with the exception of a slight difference in the mode of estimating the allowance for engine room, and such rules are now in force in the Kingdom of Norway, having come into operation on the 1st day of April, 1876, Her Majesty is hereby pleased, by and with the advice of Her Privy Council, to direct as follows:

1. As regards sailing-ships, that merchant sailing-ships of the said Kingdom of Norway, the measurement whereof shall after the said 1st day of April, 1876, have been ascertained and denoted in the registers and other national papers of such sailing-ships, testified by the date thereof, shall be deemed to be of the tonnage denoted in such registers and other national papers, in the same manner, and to the same extent, and for the same purpose, in, to, and for which the tonnage denoted in the certificate of registry of British sailing-ships is deemed to be the tonnage of such ships.

2. As regards steam-ships, that merchant-ships belonging to the said Kingdom of Norway which are propelled by steam or any other

\* Vol. LXVI. Page 682.

† Vol. XLV. Page 1847.

power requiring engine room, the measurement whereof shall, after the said 1st day of April, 1876, have been ascertained and denoted in the registers and other national papers of such steam-ships, testified by the dates thereof, shall be deemed to be of the tonnage denoted in such registers or other national papers in the same manner, and to the same extent, and for the same purpose, in, to, and for which the tonnage denoted in the certificate of registry of British ships is deemed to be the tonnage of such ships: provided nevertheless, that if the owner or master of any such Norwegian steamship desires the deduction for engine room in his ships to be estimated under the rules for engine room measurement and deduction applicable to British ships, instead of under the Norwegian rule, the engine room shall be measured and the deduction calculated according to the British rules.

C. L. PEEL.

*ACT of the British Parliament, to make provision for the government of the Islands of Saint Vincent, Tobago, and Grenada and their Dependencies.*

[39 & 40 Vict., cap. 47.]

[August 11, 1876.]

PART I.

GRENADA.

WHEREAS on the 9th of February, 1876, the President and Members of the Legislative Assembly of the Island of Grenada and its Dependencies passed an Address in the following terms, that is to say:

“To Her Most Gracious Majesty the Queen.

“The humble Address of the President and Members of the Legislative Assembly of the Island of Grenada and its Dependencies sheweth as follows:

“We, the President and Members of the Legislative Assembly of the Island of Grenada and its Dependencies, desire to approach Your Majesty with feelings of the most unbounded loyalty and respect, knowing as we do that Your Majesty has the welfare and well-being of all your subjects at heart, and satisfied that it is expedient that the entire control and government of this island and its dependencies should be vested in Your Majesty, we have caused an Act repealing the present constitution of the Colony to be passed: And should Your Majesty be graciously pleased to assent thereto, we leave it entirely to Your Majesty's wisdom and discretion to erect such form of government as Your Majesty shall deem most

desirable for the welfare of the Colony. And we remain, as in duty bound, Your Majesty's most dutiful and most devoted loving subjects and servants.

"HY. B. BECKWITH, *President of the Assembly.*

"House of Legislative Assembly, Grenada, February 9, 1876.

"JOHN WELLS, *Clerk of the Assembly.*"

And whereas doubts have arisen as to the validity and effect of the said Act in the said Address referred to, and it is expedient to remove such doubts, and to give effect to the said Address under the authority of Parliament, by enabling Her Majesty to erect such form of government in the Island of Grenada and its Dependencies as Her Majesty shall deem most desirable for the welfare of the Colony:

Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. It shall be lawful for Her Majesty by Order in Council to create and constitute a Government and Legislature for the Island of Grenada and its Dependencies, in such form and with such powers as to Her Majesty may seem fit, and from time to time in like manner to alter or amend the constitution of such Government and Legislature; and it shall be lawful for Her Majesty in like manner to amend or repeal any Act of the Legislature of the said Island of Grenada and its Dependencies now in force, in so far as the same may be repugnant to the terms of any Order in Council passed in pursuance of this Act.

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## PART II.

### SAINT VINCENT AND TOBAGO.

Whereas Acts have been passed by the Legislatures of the Islands of Saint Vincent and Tobago respectively, during sessions held in the present year of Her Majesty's reign, intituled, in the case of Saint Vincent, "An Act to alter and amend the Political Constitution of this Island and its Dependencies," and in the case of Tobago, "An Act to alter and amend the Political Constitution of this Island:" And whereas doubts have arisen as to whether it was competent for the Legislatures of the said islands to pass the said Acts: And whereas it is expedient to remove such doubts, and that the said Acts should be brought into operation under the authority of Parliament:

And whereas the said Acts are set out in the Schedule hereunto annexed:

2. Be it therefore enacted that the said Acts set forth in the Schedule to this Act shall be and the same are hereby declared to be valid and of full force, and shall come into operation in the Island of Saint Vincent and its Dependencies and in the Island of Tobago respectively so soon as they shall have been confirmed by Her Majesty in Council, and such confirmation shall have been duly published within the island to which the same relates.

3. In construing the said Act of the Island of Saint Vincent, the term "Island" in the title thereof shall mean "the Island of Saint Vincent and its Dependencies," and the term "Government" shall mean the Government of the Island of Saint Vincent and its Dependencies, and in construing the said Act of the Island of Tobago the term "Island" shall mean the Island of Tobago.

4. This Act may be cited for all purposes as "The Saint Vincent, Tobago, and Grenada Constitution Act, 1876."

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#### SCHEDULE.

##### SAINT VINCENT.

*"An Act to alter and amend the Political Constitution of this Island and its Dependencies."*

Whereas it is necessary to alter the present political constitution of this Government, be it enacted by the Governor and Legislative Assembly of the said Government as follows:—

1. This Act may be cited as "The Constitution Act, 1876."

2. The Acts whose titles are set forth in the Schedule hereto annexed are hereby repealed.

3. From and after the coming into operation of this Act, the present Legislative Assembly, and all and every the functions and privileges thereof, shall cease and determine absolutely.

4. It shall be lawful for Her Majesty the Queen in Council to create and constitute a Legislature for this Government in such form and with such powers as Her Majesty in Council may determine, and from time to time to alter or amend such Legislature, or any of the forms or powers thereof.

5. Where any public trust, office, or responsibility is vested by any law in the President of the Legislative Assembly (whose functions are abrogated by this Act), such public trust, office, or responsibility shall, after the passing of this Act, devolve upon the Governor.

6. The records and documents of and belonging to the Legislative Assembly shall remain in the custody of the Colonial Secretary and his successors, who shall be responsible for the proper preservation of the same.

7. This Act shall have no force or operation until the same shall have been confirmed by Her Majesty, and such confirmation duly published in this Government.

## SCHEDULE.

No. of Act.	Title or Short Title of Act.	Date when passed.
269	The Election Act, 1867 .. ..	October 17, 1867.
278	The Constitution Act, 1868 .. ..	July 2, 1868.
322	The Amended Constitution Act, 1869 ..	November 23, 1869.
342	An Act to provide for the Future Performance of the Duties of the Clerk of the Legislative Assembly.	January 26, 1871.

## TOBAGO.

*"An Act to alter and amend the Political Constitution of this Island."*

Whereas it is necessary to alter the present political constitution of the Government of this Island :

Be it enacted by the Governor and Legislative Assembly of the Island of Tobago as follows :

1. From and after the coming into operation of this Act, the present Legislative Assembly, and all and every the functions and privileges thereof, shall cease and determine absolutely.

2. It shall be lawful for Her Majesty the Queen in Council to create and constitute a Legislature for this Government in such form and with such powers as to Her Majesty in Council may best seem fit, and from time to time to alter or amend such Legislature, or any of the forms or powers thereof.

3. This Act may be cited as "The Constitution Act, 1876."

4. The Acts and parts of Acts whose titles are set forth in the Schedule hereto annexed are hereby repealed.

## SCHEDULE.

Extent of Repeal.	Title of Act.
The whole, with the exception of sections 2 and 3.	23 Vict., c. 7. The Act entitled "An Act to extend the Franchise and otherwise provide for the better Representation of the People."
The whole .. ..	27 Vict., c. 2. "An Act to amend the Franchise Act, 1860," 23 Vict., c. 7.
The whole .. ..	35 Vict., c. 1. "An Act to extend the provisions of the Franchise Act, 1860."
The whole .. ..	38 Vict., c. 9. "An Act to amend and simplify the Legislature of the Island of Tobago."

*CONVENTION d'Extradition entre la Suisse et le Grand-Duché de Luxembourg.—Signée à Paris, le 10 Février, 1876.*

[Ratifications échangées à Paris le 11 Avril, 1876.]

Sa Majesté le Roi des Pays-Bas, Grand-Duc de Luxembourg, pour le Luxembourg, et le Conseil Fédéral de la Confédération Suisse, désirant, d'un commun accord, conclure une Convention à l'effet de régler l'extradition réciproque des malfaiteurs, ont nommé pour leurs Plénipotentiaires, savoir :

Sa Majesté le Roi des Pays-Bas, Grand-Duc de Luxembourg, M. Jonas, Membre de son Conseil d'État du Grand-Duché de Luxembourg, son Chargé d'Affaires à Paris, Grand Officier de son Ordre Royal Grand-Ducal de la Couronne de Chêne, Commandeur de l'Ordre National de la Légion d'Honneur ; et

Le Conseil Fédéral Suisse, M. Jean Conrad Kern, Envoyé Extraordinaire et Ministre Plénipotentiaire de la Confédération Suisse près la République Française ;

Lesquels, après s'être communiqué leurs pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivants :—

ART. I. Le Gouvernement Grand-Ducal Luxembourgeois et le Gouvernement de la Confédération Suisse s'engagent à se livrer réciproquement, sur la demande que l'un des deux Gouvernements adressera à l'autre, et à la seule exception de leurs nationaux, les individus réfugiés de Luxembourg en Suisse ou de Suisse en Luxembourg, et poursuivis ou condamnés comme auteurs ou complices, par les autorités compétentes de l'autre pays, pour les crimes et délits énumérés dans l'Article suivant.

II. Les crimes et délits qui donnent lieu à extradition sont :

1. L'assassinat ;
2. Le parricide ;
3. L'infanticide ;
4. L'empoisonnement ;
5. Le meurtre ;
6. L'avortement ;
7. Le viol ;
8. La bigamie et la polygamie ;
9. L'attentat à la pudeur avec violence ;
10. L'attentat à la pudeur sans violence sur la personne ou à l'aide d'un mineur de l'un ou de l'autre sexe âgé de moins de 14 ans ;
11. L'attentat aux mœurs, en excitant, facilitant ou favorisant habituellement, même pour satisfaire les passions d'autrui, la débauche ou la corruption de mineurs de l'un ou de l'autre sexe ;
12. L'outrage public à la pudeur ;

13. L'enlèvement de mineurs ;
14. L'exposition ou le délaissement d'enfant ;
15. L'enlèvement, le recel, la suppression, la substitution ou la supposition d'enfant ;
16. Les coups et blessures volontaires avec préméditation ou ayant occasionné, soit la mort, soit une maladie ou incapacité de travail personnel permanente ou de plus de 20 jours, ou ayant été suivis de mutilation, amputation ou privation de l'usage de membres, cécité, perte d'un œil ou autres infirmités permanentes ;
17. L'association de malfaiteurs pour commettre des infractions prévues par la présente Convention ;
18. Les menaces d'un attentat contre les personnes ou contre les propriétés, punissables de peines criminelles ;
19. Les extorsions ;
20. L'attentat à l'inviolabilité du domicile commis illégalement par des particuliers ; la séquestration ou la détention illégale de personnes ;
21. L'incendie volontaire ;
22. Le vol et la soustraction frauduleuse, l'extorsion de signatures ou d'actes contenant ou opérant obligation, disposition ou décharge ;
23. L'escroquerie et fraudes analogues ;
24. L'abus de confiance, l'enlèvement, le détournement ou la destruction d'objets saisis ;
25. La concussion et les détournements commis par des fonctionnaires publics, la corruption de fonctionnaires ou d'arbitres ;
26. La suppression ou violation du secret des lettres ;
27. La dénonciation calomnieuse ;
28. La fausse monnaie, comprenant la contrefaçon et l'altération de la monnaie, l'émission et la mise en circulation de monnaie contrefaite ou altérée, la contrefaçon ou la falsification de billets de banque, titres de rente ou papiers valeurs émis par l'État ou sous l'autorité de l'État par des corporations, sociétés ou particuliers, la contrefaçon ou la falsification des sceaux de l'État et de tous timbres, poinçons et marques autorisés par les Gouvernements respectifs et destinés à un service public ; l'usage de sceaux, timbres, poinçons et marques contrefaits ou falsifiés, et l'usage préjudiciable de vrais sceaux, timbres, poinçons et marques ;
29. La contrefaçon ou la falsification d'effets publics, de titres publics ou privés, l'usage, l'émission ou mise en circulation de ces effets, documents, billets ou titres contrefaits ou falsifiés, le faux en écriture et l'usage d'écritures falsifiées ;
30. Le faux témoignage et la fausse déclaration de la part d'experts ou interprètes ; la subornation de témoins, d'interprètes ou d'experts ;



31. Le faux serment ;
32. La banqueroute frauduleuse ;
33. La destruction ou le dérangement, dans une intention coupable, d'une voie ferrée ou d'une ligne télégraphique ;
34. Toute destruction, dégradation ou dommage de la propriété mobilière ou immobilière ;
35. L'empoisonnement d'animaux domestiques ou de poissons dans les étangs, les viviers ou les réservoirs ;
36. Le recel des objets obtenus à l'aide d'une des infractions énumérées en la présente Convention.

Sont comprises dans les qualifications précédentes, les tentatives de tous les faits punis comme crimes ou délits d'après la législation des deux pays contractants.

En matière correctionnelle ou de délits, l'extradition aura lieu, dans le cas prévus ci-dessus, pour les condamnés contradictoirement ou par défaut, lorsque la peine prononcée sera au moins de deux mois d'emprisonnement, et pour les prévenus ou accusés, lorsque le maximum de la peine applicable au fait incriminé sera, dans le pays réclamant, au moins de deux ans d'emprisonnement ou d'une peine équivalente.

Dans tous les cas, crimes ou délits, l'extradition n'est obligatoire que si le fait similaire est punissable dans le pays auquel la demande est adressée.

III. Les crimes et délits politiques sont exceptés de la présente Convention.

Il est expressément stipulé que l'individu dont l'extradition aura été accordée ne pourra, dans aucun cas, être poursuivi ou puni pour aucun délit politique antérieur à l'extradition, pour aucun fait connexe à un semblable délit, ni pour aucun des crimes ou délits non prévus par le présent Traité.

IV. L'arrestation provisoire sera effectuée sur avis transmis directement, par la poste ou par le télégraphe, de l'existence d'un mandat d'arrêt.

Cet avis pourra être adressé par l'autorité compétente judiciaire ou administrative d'un des États à l'autorité correspondant de l'autre pays, et l'autorité requise devra procéder sans délai à l'arrestation et à tous interrogatoires et investigations de nature à vérifier l'identité ou les preuves du fait incriminé.

L'arrestation provisoire aura lieu dans les formes et suivant les règles établies par la législation du pays requis, et elle cessera d'être maintenue si, dans le délai de trois semaines à partir du moment où elle aura été effectuée, le Gouvernement requis n'a pas reçu communication d'un des documents mentionnés à l'Article VI.

Lorsqu'il y aura lieu à extradition, l'État requis laissera à l'État requérant, sur sa demande, le temps nécessaire pour obtenir des

autorités étrangères l'autorisation de faire transiter sur leur territoire l'individu à extraditer, et ce concours obtenu, il fera conduire le prévenu, accusé ou condamné, à la frontière de l'État requis, à la disposition de l'État requérant. Il sera donné à ce dernier avis du jour et du lieu où cette remise pourra être effectuée.

V. La demande d'extradition sera formulée par simple demande écrite adressée directement par la poste par l'un des Gouvernements à l'autre.

Dans le cas où l'entremise d'Agents Diplomatiques serait jugée nécessaire, les Légations des deux Parties Contractantes près le Gouvernement Français pourront être choisies, ou toute autre voie analogue.

VI. L'extradition sera accordée sur la production soit du jugement ou de l'arrêt de condamnation, soit de l'ordonnance de la Chambre du Conseil, de l'arrêt de la Chambre des Mises en Accusation ou de l'acte de procédure criminelle ou correctionnelle émané du juge ou de l'autorité compétente, décrétant formellement ou opérant de plein droit le renvoi du prévenu ou de l'accusé devant la juridiction répressive, délivré en original ou en expédition authentique dans les formes prescrites par la législation du pays qui demande l'extradition.

Elle sera également accordée sur la production du mandat d'arrêt ou de tout autre acte ayant la même force, décerné par l'autorité étrangère compétente, pourvu que ces actes renferment l'indication précise du fait à raison duquel ils ont été délivrés.

Ces pièces seront accompagnées d'une copie du texte de la loi applicable au fait incriminé, et, autant que possible, du signalement de l'individu réclamé.

Dans le cas où il y aurait doute sur la question de savoir si le crime ou le délit, objet de la poursuite, rentre dans les prévisions de la présente Convention, des explications seront demandées, et, après examen, le Gouvernement à qui l'extradition est réclamée statuera sur la suite à donner à la requête.

VII. Quand il y aura lieu à extradition, tous les objets saisis qui peuvent servir à constater le crime ou le délit, ainsi que les objets provenant de vol, seront remis à l'État réclamar, soit que l'extradition puisse s'effectuer, soit qu'il ne puisse y être donné suite, l'accusé ou le coupable étant venu décéder ou à s'évader. Cette remise comprendra aussi tous les objets que le prévenu aurait cachés ou déposés dans le pays et qui seraient découverts ultérieurement.

Sont réservés toutefois les droits que des tiers, non impliqués dans la poursuite, auraient pu acquérir sur les objets indiqués dans le présent Article.

VIII. Si l'individu réclamé est poursuivi ou condamné pour une

infraction commise dans le pays où il s'est réfugié, son extradition pourra être différée jusqu'à ce que les poursuites soient abandonnées, qu'il ait été acquitté ou absous, ou qu'il ait subi sa peine.

Dans le cas où il serait poursuivi ou détenu dans le même pays à raison d'obligations par lui contractées envers des particuliers, son extradition aura lieu néanmoins, sauf à la partie lésée à poursuivre ses droits devant l'autorité compétente.

IX. Lorsque le condamné ou le prévenu est étranger aux deux États Contractants, le Gouvernement requis peut entendre les objections que le Gouvernement de l'individu dont il s'agit pourrait avoir à faire contre l'extradition. L'État auquel l'extradition est demandée est libre de remettre l'inculpé au Gouvernement du pays où l'infraction a été commise, ou à celui du pays d'origine, pourvu que ce dernier s'engage à déférer le prévenu aux tribunaux.

Dans le cas de réclamation du même individu de la part de deux États pour crimes ou délits distincts, le Gouvernement requis statuera en prenant pour base la gravité du fait poursuivi, ou les facilités accordées pour que l'inculpé soit restitué, s'il y a lieu, d'un pays à l'autre, pour purger successivement les accusations.

X. L'extradition ne sera pas effectuée si, depuis les faits imputés, le dernier acte de poursuite ou la condamnation, la prescription de la peine ou de l'action, est acquise d'après les lois du pays où le prévenu s'est réfugié.

L'extradition pourra être refusée si l'individu réclamé par l'un des Gouvernements a déjà été soumis dans l'autre État à une enquête et libéré de la prévention, ou s'il s'y trouve encore en état de prévention, ou s'il y a déjà été condamné pour la même infraction pour laquelle l'extradition est demandée.

XI. L'individu qui aura été livré ne pourra être poursuivi ou jugé contradictoirement pour aucune infraction autre que celle ayant motivé l'extradition, à moins du consentement exprès et volontaire donné par lui et communiqué au Gouvernement qui l'a livré, ou à moins que l'infraction ne soit comprise dans la Convention et qu'on n'ait obtenu préalablement l'assentiment du Gouvernement qui aura accordé l'extradition.

XII. Les frais occasionnés par l'arrestation, la détention, la garde, la nourriture et le transport des extradés, comme aussi par le transport des objets mentionnés à l'Article VII de la présente Convention, au lieu où la remise s'effectuera, seront supportés par celui des deux États sur le territoire duquel les extradés auront été saisis. Les frais de transport ou autres sur le territoire des États intermédiaires seront liquidés par l'État réclameur, sur la production des pièces justificatives.

XIII. Le transit par le territoire Suisse ou Luxembourgeois d'un individu extradé n'appartenant pas au pays de transit et livré par un

autre Gouvernement, sera autorisé sur demande directe adressée par la poste par le Gouvernement Fédéral Suisse au Gouvernement Luxembourgeois ou inversement, et sur la simple production, en original ou en expédition authentique, de l'un des actes de procédure mentionnés à l'Article VI, pourvu que le fait servant de base à l'extradition soit compris dans le présent Traité, et ne rentre point dans les dispositions des Articles III et X.

Le transport s'effectuera par les voies les plus rapides, sous la conduite d'agents du pays requis et aux frais du Gouvernement réclamant. L'État requérant remboursera seulement les frais de transport payés aux compagnies par le Gouvernement requis, d'après le tarif réduit dont il peut jouir et sur la production des pièces justificatives.

XIV. Lorsque dans la poursuite d'une affaire pénale non politique ou purement militaire, un des deux Gouvernements jugera nécessaire l'audition de témoins domiciliés dans l'autre État, ou tous autres actes d'instruction, une commission rogatoire sera envoyée à cet effet directement par la poste par l'autorité compétente Suisse au magistrat compétent en Luxembourg ou inversement, et il y sera donné suite d'urgence, en se conformant aux lois du pays où les actes d'instruction doivent avoir lieu.

Les Gouvernements respectifs renoncent à toute réclamation ayant pour objet la restitution des frais résultant de l'exécution de la commission rogatoire, à moins qu'il ne s'agisse d'expertises criminelles, commerciales ou médico-légales.

Aucune réclamation ne pourra non plus avoir lieu pour les frais de tous actes judiciaires spontanément faits par les magistrats de chaque pays pour la poursuite ou la constatation de délits commis, sur leur territoire, par un citoyen de l'autre État Contractant, ou en général par un étranger qui serait ensuite poursuivi dans sa patrie.

XV. En matière pénale non politique, lorsque la notification d'un acte de procédure ou d'un jugement à un individu résidant sur le territoire d'un des deux États paraîtra nécessaire à l'autorité compétente de l'autre pays, la pièce sera transmise directement par la poste à l'autorité compétente du lieu de la résidence du destinataire, et la signification sera opérée à personne, selon les formes d'usage dans le pays ; l'original constatant la notification sera envoyé à l'autorité expéditrice, avec le visa du fonctionnaire chargé de la signification, et celle-ci aura la même valeur que si elle avait eu lieu dans l'État d'où émane l'acte ou le jugement.

XVI. Si, dans une cause pénale non politique, la comparution personnelle d'un témoin est nécessaire, le Gouvernement du pays où réside le témoin l'engagera à se rendre à l'invitation qui lui sera faite. En cas de consentement du témoin, des frais de voyage et de séjour, calculés depuis sa résidence, lui seront accordés d'après les

tarifs et règlements en vigueur dans le pays où l'audition devra avoir lieu. Aucun témoin, quelle que soit sa nationalité, qui, cité dans l'un des deux pays, comparaitra devant les juges de l'autre, ne pourra être détenu ni poursuivi pour des faits ou des condamnations criminelles ou correctionnelles antérieures, ni sous prétexte de complicité dans les faits objet du procès où il figure comme témoin.

XVII. Lorsque, dans une cause pénale instruite dans l'un des deux États, la confrontation de criminels détenus dans l'autre, ou la production de pièces de conviction ou documents judiciaires, sera jugée utile, la demande en sera faite par la poste par l'un des Gouvernements à l'autre, ou directement par l'autorité compétente Suisse au magistrat compétent en Luxembourg ou inversement, s'il s'agit de pièces à conviction ou de documents judiciaires. Suite y sera donnée à moins que des considérations particulières ne s'y opposent, et sous l'obligation de renvoyer les criminels et les pièces.

Les Gouvernements Contractants renoncent à toute réclamation de frais résultant du transport et du renvoi, dans les limites de leurs territoires respectifs, des criminels à confronter, et de l'envoi et de la restitution des pièces de conviction et documents. Les frais de transit à travers les territoires intermédiaires restent à la charge de l'État requérant.

XVIII. La présente Convention sera soumise à la ratification des Autorités Législatives des deux pays, et les ratifications en seront échangées à Paris le plus tôt que faire se pourra. Elle entrera en vigueur à l'époque qui sera fixée dans le procès-verbal d'échange des ratifications,\* et pourra en tout temps être dénoncée par l'un des États Contractants. Néanmoins cette dénonciation n'aura d'effet qu'un an après avoir été notifiée.

En foi de quoi les Plénipotentiaires respectifs ont signé la présente Convention, et y ont apposé le cachet de leurs armes.

Fait en double à Paris, le 10 Février, 1876.

(L.S.) M. JONAS.

(L.S.) KERN.

## *CONVENTION CONSULAIRE entre la France et la Grèce.*

*— Signée à Paris, le 7 Janvier, 1876.*

[Ratifications échangées le 27 Février, 1878.]

Le Président de la République Française et Sa Majesté le Roi des Hellènes, reconnaissant l'utilité de déterminer, avec toute la

\* May 1, 1876.

précision désirable, les droits, privilèges et attributions des Consuls, Chanceliers, et Agents Consulaires Français et Hellènes, réciproquement admis à résider dans leurs États respectifs, ont résolu de conclure une Convention Consulaire, et ils ont, à cet effet, nommé pour leurs Plénipotentiaires, savoir :

Le Président de la République Française, M. le Duc Decazes, Député à l'Assemblée Nationale, Ministre des Affaires Étrangères, Commandeur de l'Ordre National de la Légion d'Honneur, Grand-Croix de l'Ordre du Sauveur de Grèce, &c. ; et

Sa Majesté le Roi des Hellènes, M. Nicolas P. Delyanni, Chargé d'Affaires à Paris, Chevalier de l'Ordre Royal du Sauveur de Grèce &c. ;

Lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivants :—

ART. I. Chacune des Hautes Parties Contractantes aura la faculté d'établir des Consuls-Généraux, des Consuls, et Vice-Consuls, ou Agents Consulaires dans les villes du territoire de l'autre partie.

Sur la présentation de leurs provisions ces Agents seront admis et reconnus, selon les règles et formalités établies dans le pays où ils devront résider. L'exequatur leur sera délivré sans frais.

Aussitôt après leur admission, l'autorité supérieure du lieu de leur résidence donnera les ordres nécessaires pour qu'ils soient protégés dans l'exercice de leurs fonctions et pour qu'ils jouissent des immunités et prérogatives attachées à leur charge.

II. Les Consuls-Généraux et Consuls pourront, lorsqu'ils y seront autorisés par les lois et règlements de leur pays, nommer des Vice-Consuls ou Agents Consulaires dans les villes et ports de leurs arrondissements Consulaires respectifs, sauf l'approbation du Gouvernement territorial. Ces Agents pourront être indistinctement choisis parmi les citoyens des deux pays comme parmi les étrangers, et seront munis d'un brevet délivré par le Consul sous les ordres duquel ils devront être placés.

III. En cas d'empêchement, d'absence ou de décès des Consuls-Généraux et Consuls, les Élèves Consuls, Chanceliers, ou Secrétaires, qui auraient été présentés antérieurement en leurs qualités respectives, seront admis de plein droit à exercer, par intérim, les fonctions Consulaires. Les autorités locales devront leur prêter assistance et protection, et leur assurer, pendant leur gestion provisoire, la jouissance de tous les droits et immunités reconnus aux titulaires. Elles devront également donner toutes les facilités désirables aux Agents intérimaires que les Consuls-Généraux ou Consuls désigneront pour remplacer momentanément les Vice-Consuls absents ou décédés.

IV. Les Consuls-Généraux, Consuls, et Vice-Consuls ou Agents Consulaires pourront placer au-dessus de la porte extérieure du

Consulat ou Vice-Consulat l'écusson des armes de leur nation, avec cette inscription :—" Consulat ou Vice-Consulat de . . ."

Ils pourront également arborer le pavillon de leur pays sur la maison Consulaire, aux jours de solennités publiques, religieuses ou nationales, ainsi que dans les autres circonstances d'usage.

Il est bien entendu que ces marques extérieures ne pourront jamais être interprétées comme constituant un droit d'asile, mais serviront avant tout à désigner aux matelots et aux nationaux l'habitation Consulaire.

V. Les archives Consulaires seront inviolables, et les autorités locales ne pourront, sous aucun prétexte, ni dans aucun cas, visiter ni saisir les papiers qui en feront partie.

Ces papiers devront toujours être complètement séparés des livres ou papiers relatifs au commerce ou à l'industrie que pourraient exercer les Consuls, Vice-Consuls ou Agents Consulaires respectifs.

VI. Les Consuls-Généraux, Consuls, Élèves Consuls, Chanceliers, et Vice-Consuls, ou Agents Consulaires, citoyens de l'État qui les nomme, ne seront pas tenus de comparaître comme témoins devant les tribunaux du pays de leur résidence, si ce n'est, toutefois, dans les causes criminelles où leur comparution sera jugée indispensable et réclamée par une lettre officielle de l'autorité judiciaire.

Dans tout autre cas la justice locale se transportera à leur domicile pour recevoir leur témoignage de vive voix ou le leur demandera par écrit, suivant les formes particulières à chacun des deux États.

VII. Les Consuls-Généraux, Consuls, Élèves Consuls, Chanceliers, et Vice-Consuls, ou Agents Consulaires, citoyens de l'État qui les nomme, ne pourront pas être forcés de comparaître personnellement en justice, lorsqu'ils seront parties intéressées dans des causes civiles, à moins que le tribunal saisi n'ait, par un jugement, déferé le serment ou ordonné la comparution de toutes les parties.

En toute autre matière ils ne seront tenus de comparaître en personne que sur une invitation expresse et motivée du tribunal saisi.

VIII. Les Consuls-Généraux, Consuls, Élèves Consuls, Chanceliers, et Vice-Consuls, ou Agents Consulaires, citoyens de l'État qui les nomme, jouiront de l'immunité personnelle ; ils ne pourront être arrêtés ni emprisonnés, excepté pour les faits et actes que la législation pénale du pays de leur résidence qualifie de crimes et punit comme tels. S'ils sont négociants, la contrainte par corps ne pourra leur être appliquée que pour faits de commerce.

IX. Les Consuls-Généraux, Consuls, Élèves Consuls, Chanceliers, Vice-Consuls, ou Agents Consulaires, citoyens de l'État qui

les nomme, seront exempts des logements militaires et des contributions de guerre, ainsi que des contributions directes, tant personnelles que mobilières ou somptuaires, imposées par l'État ou par les communes ; mais s'ils possèdent des biens immeubles, de même que s'ils font le commerce ou s'ils exercent quelque industrie, ils seront soumis à toutes les taxes, charges, et impositions qu'auront à payer les autres habitants du pays, comme propriétaires de biens fonds, commerçants ou industriels.

X. Les Consuls-Généraux et Consuls, ou leurs Chanceliers, ainsi que les Vice-Consuls ou Agents Consulaires des deux pays, auront le droit de recevoir, soit dans leur chancellerie, soit au domicile des parties, soit à bord des navires de leur nation, les déclarations que pourront avoir à faire les capitaines, les gens de l'équipage, les passagers, les négociants et tous autres citoyens de leur pays. Ils seront également autorisés à recevoir, comme notaires, les dispositions testamentaires de leurs nationaux.

Les dits Consuls ou Agents auront le droit de recevoir tout acte notarié destiné à être exécuté dans leur pays et qui interviendra, soit entre leurs nationaux seulement, soit entre un ou plusieurs de leurs nationaux et des personnes du pays de leur résidence. Ils pourront même recevoir les actes dans lesquels les citoyens du pays où ils résident seront seuls parties, lorsque ces actes contiendront des Conventions relatives à des immeubles situés dans le pays du Consul ou Agent, ou des procurations concernant des affaires à traiter dans ce pays.

Quant aux actes notariés destinés à être exécutés dans le pays de leur résidence, les dits Consuls ou Agents auront le droit de recevoir tous ceux dans lesquels leurs nationaux seront seuls parties ; ils pourront recevoir, en outre, ceux qui interviendraient entre un ou plusieurs de leurs nationaux et des citoyens du pays de leur résidence, à moins qu'il ne s'agisse d'actes pour lesquels, d'après la législation du pays, le ministère des juges ou d'officiers publics déterminés serait indispensable.

Lorsque les actes mentionnés dans le paragraphe précédent auront rapport à des biens fonciers, ils ne seront valables qu'autant qu'un notaire ou autre officier public du pays y aura concouru et les aura revêtus de sa signature.

XI. Les actes mentionnés dans l'Article précédent auront la même force et valeur que s'ils avaient été passés devant un notaire ou autre officier public compétent de l'un ou de l'autre pays, pourvu qu'ils aient été rédigés dans les formes voulues par les lois de l'État auquel le Consul appartient, et qu'ils aient été soumis au timbre, à l'enregistrement, et à toute formalité en usage dans le pays où l'acte devra recevoir son exécution.

Les expéditions des dits actes, lorsqu'elles auront été légalisées



par les Consuls ou Vice-Consuls et scellées du sceau officiel de leur Consulat ou Vice-Consulat, feront foi, tant en justice que hors justice, devant tous les tribunaux, juges, et autorités de France et de Grèce, au même titre que les originaux.

XII. En cas de décès d'un citoyen de l'un des deux pays sur le territoire de l'autre pays, l'autorité locale compétente devra immédiatement en avertir le Consul-Général, Consul, ou Vice-Consul dans la circonscription duquel le décès aura eu lieu, et ces Agents devront, de leur côté, s'ils en ont connaissance les premiers, donner le même avis aux autorités locales.

Quelles que soient les qualités et la nationalité des héritiers, qu'ils soient majeurs ou mineurs, absents ou présents, connus ou inconnus, les scellés seront, dans les 24 heures de l'avis, apposés sur tous les effets mobiliers et les papiers du défunt. L'apposition sera faite, soit d'office, soit à la réquisition des parties intéressées, par le Consul, en présence de l'autorité locale ou celle dûment appelée. Cette autorité pourra croiser de ses scellés ceux du Consulat, et, dès lors, les doubles scellés ne pourront plus être levés que d'un commun accord ou par ordre de justice.

Dans le cas où le Consul ne procéderait pas à l'apposition des scelles, l'autorité locale devra les apposer, après lui avoir adressé une simple invitation, et s'il les croise des siens, la levée des uns et des autres devra être faite, soit d'un commun accord, soit en vertu d'une décision du juge.

Ces avis et invitations seront donnés par écrit et un récépissé en constatera la remise.

XIII. S'il n'a pas été formé d'opposition à la levée des scellés et si tous les héritiers et légataires universels ou à titre universel sont majeurs, présents ou dûment représentés et d'accord sur leurs droits et qualités, le Consul lèvera les scellés sur la demande des intéressés, dressera, soit qu'il y ait ou non un exécuteur testamentaire nommé par le défunt, un état sommaire des biens, effets et papiers qui se trouveraient sous les scellés, et délaissera ensuite le tout aux parties qui se pourvoiront comme elles l'entendront pour le règlement de leurs intérêts respectifs.

Dans tous les cas où les conditions énumérées au commencement du paragraphe précédent ne se trouveront pas réunies, et quelle que soit la nationalité des héritiers, le Consul, après avoir réclamé, par écrit, la présence de l'autorité locale et prévenu l'exécuteur testamentaire ainsi que les intéressés ou leurs représentants, procédera à la levée des scellés et à l'inventaire descriptif de tous les biens, effets et papiers placés sous les scellés. Le magistrat local devra, à la fin de chaque séance, apposer sa signature au procès-verbal.

XIV. Si parmi les héritiers et légataires universels ou à titre

universel, il s'en trouve dont l'existence soit incertaine ou le domicile inconnu, qui ne soient pas présents ni dûment représentés, qui soient mineurs ou incapables, ou si, étant tous majeurs et présents, ils ne sont pas d'accord sur leurs droits et qualités, le Consul, après que l'inventaire aura été dressé, sera, comme séquestre des biens de toute nature laissés par le défunt, chargé de plein droit d'administrer et de liquider la succession. En conséquence, il pourra procéder, en suivant les formes prescrites par les lois et usages du pays, à la vente des meubles et objets mobiliers, susceptibles de déperir ou dispendieux à conserver, recevoir les créances qui seraient exigibles ou viendraient à échoir, les intérêts des créances, les loyers et les fermages échus, faire tous les actes conservatoires des droits et des biens de la succession, employer les fonds trouvés au domicile du défunt, ou recouvrés depuis le décès, à l'acquittement des charges urgentes et des dettes de la succession, faire, en un mot, tout ce qui sera nécessaire pour rendre l'actif net et liquide.

Le Consul fera annoncer la mort du défunt dans une des feuilles publiques de son arrondissement, et il ne pourra faire la délivrance de la succession ou de son produit qu'après l'acquittement des dettes contractées dans le pays par le défunt, ou qu'autant que, dans l'année qui suivra le décès, aucune réclamation ne se sera produite contre la succession.

En cas d'existence d'un exécuteur testamentaire, le Consul pourra, si l'actif est suffisant, lui remettre les sommes nécessaires pour l'acquittement des legs particuliers. L'exécuteur testamentaire restera, d'ailleurs, chargé de tout ce qui concernera la validité et l'exécution du testament.

XV. Les pouvoirs conférés aux Consuls par l'Article précédent ne feront point obstacle à ce que les intéressés de l'une ou de l'autre nation, ou leurs tuteurs et représentants, poursuivent devant l'autorité compétente l'accomplissement de toutes les formalités voulues par les lois pour arriver à la liquidation définitive des droits des héritiers et légataires, et au partage final de la succession entre eux, et plus particulièrement à la vente ou à la licitation des immeubles situés dans le pays où le décès a eu lieu. Le Consul devra, le cas échéant, organiser sans retard la tutelle de ceux de ses nationaux qui seraient incapables, afin que le tuteur puisse les représenter en justice.

Toute contestation soulevée, soit par des tiers, soit par des créanciers du pays ou d'une Puissance tierce, toute procédure de distribution et d'ordre que les oppositions ou les inscriptions hypothécaires rendraient nécessaires, seront également soumises aux tribunaux locaux.

Le Consul devra, toutefois, être appelé en cause, soit comme représentant ses nationaux absents, soit comme assistant le tuteur ou le

curateur de ceux qui sont incapables. Il pourra se faire représenter par un délégué choisi parmi les personnes que la législation du pays autorise à remplir des mandats de cette nature.

Il est bien entendu que les Consuls-Généraux, Consuls, et Vice-Consuls, étant considérés comme fondés de pouvoirs de leurs nationaux, ne pourront jamais être mis en cause personnellement à l'occasion d'une affaire concernant la succession.

XVI. Lorsqu'un Français en Grèce ou un Hellène en France sera décédé sur un point où il ne se trouverait pas d'Agent Consulaire de sa nation, l'autorité territoriale compétente procédera, conformément à la législation du pays, à l'inventaire des effets et à la liquidation des biens qu'il aura laissés, et sera tenue de rendre compte, dans le plus bref délai, du résultat de ses opérations au Consulat appelé à en connaître.

Mais dès que l'Agent Consulaire se présentera personnellement ou enverra un délégué sur les lieux, l'autorité locale qui sera intervenue devra se conformer à ce que prescrivent les Articles XII, XIII, XIV, et XV de la présente Convention.

XVII. Dans le cas où un citoyen de l'un des deux pays viendrait à décéder sur le territoire de ce pays, et où ses héritiers et légataires universels ou à titre universel seraient tous citoyens de l'autre pays, le Consul de la nation à laquelle appartiendront les héritiers ou légataires pourra, si un ou plusieurs d'entre eux sont absents, inconnus ou incapables, ou si, étant présents et majeurs, ils ne sont pas d'accord, faire tous les actes conservatoires d'administration et de liquidation énumérés dans les Articles XII, XIII, XIV, et XV de la présente Convention. Il n'en devra résulter, toutefois, aucune atteinte aux droits et à la compétence des autorités judiciaires, pour ce qui concerne l'accomplissement des formalités légales prescrites en matière de partage et la décision de toutes les contestations qui pourraient s'élever soit entre les héritiers, seulement, soit entre les héritiers et des tiers.

XVIII. Les Consuls-Généraux, Consuls, et Vice-Consuls ou Agents Consulaires des deux États connaîtront exclusivement des actes d'inventaire et des autres opérations effectués pour la conservation des biens et objets de toute nature laissés par les gens de mer et les passagers de leur nation qui décèderaient dans le port d'arrivée, soit à terre, soit à bord d'un navire de leur pays.

XIX. Les dispositions de la présente Convention s'appliqueront également aux successions des citoyens de l'un des deux États qui, étant décédés hors du territoire de l'autre État, y auraient laissé des biens mobiliers ou immobiliers.

XX. Les Consuls-Généraux, Consuls, et Vice-Consuls ou Agents Consulaires respectifs pourront aller personnellement ou envoyer des délégués à bord des navires de leur pays après leur admission à

la libre pratique, interroger le capitaine et l'équipage, examiner les papiers du bord, recevoir les déclarations sur le voyage, la destination du bâtiment et les incidents de la traversée, dresser les manifestes et faciliter l'expédition du navire.

Les fonctionnaires de l'ordre judiciaire et administratif ne pourront, en aucun cas, opérer à bord ni recherches ni visites autres que les visites ordinaires de la Douane et de la Santé, sans prévenir auparavant, ou, en cas d'urgence, au moment même de la perquisition, le Consul ou Vice-Consul de la nation à laquelle le bâtiment appartiendra.

Ils devront également donner, en temps opportun, au Consul ou Vice-Consul les avis nécessaires pour qu'il puisse assister aux déclarations que le capitaine et l'équipage auraient à faire devant les tribunaux ou les administrations du pays. La citation qui sera adressée, à cet effet, au Consul ou Vice-Consul indiquera une heure précise, et, s'il ne s'y rend pas en personne ou ne s'y fait pas représenter par un délégué, il sera procédé en son absence.

XXI. En tout ce qui concerne la police des ports, le chargement et le déchargement des navires, et la sûreté des marchandises, on observera les lois, ordonnances, et règlements du pays; mais les Consuls-Généraux, Consuls, et Vice-Consuls ou Agents Consulaires seront chargés exclusivement du maintien de l'ordre intérieur à bord des navires marchands de leur nation; ils régleront eux-mêmes les contestations de toute nature qui surviendraient entre le capitaine, les officiers du navire et les matelots, et spécialement celles relatives à la solde et à l'accomplissement des engagements réciproquement contractés.

Les autorités locales ne pourront intervenir que lorsque les désordres survenus à bord des navires seront de nature à troubler la tranquillité et l'ordre public à terre ou dans le port, ou quand une personne du pays ou ne faisant pas partie de l'équipage s'y trouvera mêlée.

Dans tous les autres cas, les autorités locales se borneront à prêter leur appui aux Consuls et Vice-Consuls ou Agents Consulaires pour faire arrêter et conduire en prison tout individu, inscrit sur le rôle de l'équipage, contre lequel ils jugeraient convenable de requérir cette mesure.

XXII. Les Consuls-Généraux, Consuls, et Vice-Consuls ou Agents Consulaires pourront faire arrêter et renvoyer, soit à bord, soit dans leur pays, les marins et toute autre personne faisant, à quelque titre que ce soit, partie des équipages des navires de leur nation, qui auraient déserté.

À cet effet ils devront s'adresser, par écrit, aux autorités locales compétentes, et justifier, au moyen de la présentation des registres du bâtiment ou du rôle de l'équipage, ou, si le navire était parti, en

produisant une copie authentique de ces documents, que les personnes réclamées faisaient partie de l'équipage. Sur cette demande, ainsi justifiée, la remise des déserteurs ne pourra être refusée.

On donnera, en outre, aux dits Agents Consulaires, tout secours et toute assistance pour la recherche et l'arrestation des déserteurs, qui seront conduits dans les prisons du pays et y seront détenus, sur la demande écrite et aux frais de l'Autorité Consulaire, jusqu'au moment où ils seront réintégrés à bord ou jusqu'à ce qu'une occasion se présente de les rapatrier. Si, toutefois, cette occasion ne se présentait pas dans le délai de deux mois à compter du jour de l'arrestation, ou si les frais de leur détention n'étaient pas régulièrement acquittés, les dits déserteurs seraient remis en liberté sans qu'ils pussent être arrêtés de nouveau pour la même cause.

Si le déserteur avait commis quelque délit à terre, l'autorité locale pourrait surseoir à sa remise, jusqu'à ce que la sentence du tribunal eût été rendue et eût reçu son exécution.

Les marins ou autres individus de l'équipage, citoyens du pays dans lequel s'effectuera la désertion, sont exceptés des stipulations du présent Article.

**XXIII.** Toutes les fois qu'entre les propriétaires, armateurs, et assureurs, il n'aura pas été fait de Conventions spéciales pour le règlement des avaries qu'auraient éprouvées en mer les navires ou les marchandises, ce règlement appartiendra aux Consuls respectifs, qui en connaîtront exclusivement, si ces avaries n'intéressent que des individus de leur nation. Si d'autres habitants du pays où réside le Consul s'y trouvent intéressés, celui-ci désignera dans tous les cas les experts qui devront connaître du règlement d'avaries. Ce règlement se fera à l'amiable, sous la direction du Consul, si les intéressés y consentent, et, dans le cas contraire, il sera fait par l'autorité locale compétente.

**XXIV.** Lorsqu'un navire appartenant au Gouvernement ou à des citoyens de l'un des deux pays fera naufrage ou échouera sur le littoral de l'autre pays, les autorités locales devront en avertir sans retard le Consul-Général, Vice-Consul, ou Agent Consulaire dans la circonscription duquel le sinistre aura eu lieu.

Toutes les opérations relatives au sauvetage des navires de l'un des deux États qui naufrageraient ou échoueraient dans les eaux territoriales de l'autre État seront dirigées par les Consuls-Généraux, Consuls, Vice-Consuls ou Agents Consulaires respectifs. L'intervention des autorités locales n'aura lieu que pour assister les Agents Consulaires maintenir l'ordre, garantir l'intérêt des sauveteurs étrangers à l'équipage, et assurer l'exécution des dispositions à observer pour l'entrée et la sortie des marchandises sauvées.

En l'absence et jusqu'à l'arrivée des Consuls-Généraux, Consuls, Vice-Consuls, Agents Consulaires ou de leurs délégués, les autorités

locales devront prendre toutes les mesures nécessaires pour la protection des personnes et la conservation des objets qui auront été sauvés du naufrage.

L'intervention des autorités locales dans ces différents cas ne donnera lieu à la perception de frais d'aucune espèce, sauf toutefois ceux que nécessiteront les opérations du sauvetage, ainsi que la conservation des objets sauvés, et ceux auxquels seraient soumis, en pareil cas, les navires nationaux.

En cas de doute sur la nationalité des navires naufragés, les dispositions mentionnées dans le présent Article seront de la compétence exclusive de l'autorité locale.

Les marchandises et effets sauvés ne seront sujets au paiement d'aucun droit de Douane, à moins qu'ils n'entrent dans la consommation intérieure.

XXV. Il est, en outre, convenu que les Consuls-Généraux, Consuls, Éléves Consuls, Chanceliers, et Vice-Consuls ou Agents Consulaires de chacun des deux pays jouiront, dans l'autre pays, de tous les privilèges, immunités, et prérogatives qui sont et qui seront accordés aux Agents de la même classe de la nation la plus favorisée.

Il est entendu que, si ces privilèges et immunités sont accordés sous des conditions spéciales, ces conditions devront être remplies par les Gouvernements respectifs ou par leurs Agents.

XXVI. La présente Convention aura une durée fixe de 10 années, à compter du jour de l'échange des ratifications. Si, un an avant l'expiration de ce terme, aucune des deux Hautes Parties Contractantes n'annonce, par une déclaration officielle, son intention d'en faire cesser les effets, le Traité demeurera obligatoire encore une année, et ainsi de suite, jusqu'à ce que 12 mois se soient écoulés à partir de sa dénonciation.

XXVII. La présente Convention sera ratifiée, et les ratifications en seront échangées, à Paris, dans le délai de six mois, ou plus tôt si faire se peut.

En foi de quoi, les Plénipotentiaires respectifs ont signé la présente Convention et y ont apposé le cachet de leurs armes.

Fait à Paris, le 7 Janvier, 1876.

(L.S.) DECAZES,

(L.S.) N. P. DELYANNI.

**CORRESPONDENCE** *between Great Britain and Russia, respecting Central Asia. (Afghanistan; Merv; Annexation of Khokand to Russia under Title of Province of Ferghanah, &c.)—1876.\**

*No. 61.—Lord A. Loftus to the Earl of Derby.—(Rec. February 7.)*  
 MY LORD, *St. Petersburg, February 2, 1876.*

I HAVE the honour to inclose an article from the "Invalide Russe," giving an account of the late operations of the Russian Army in Khokand under the command of General Skobelev.

Since the publication of this information, telegraphic intelligence has been received that Andijan has been taken by General Skobelev.

I have, &c.,

*The Earl of Derby.*

AUGUSTUS LOFTUS.

*(Inclosure).—Extract from the "Journal de St. Pétersbourg" of January 11, 1876.*

"L'INVALIDE Russe" publie les renseignements suivants sur les opérations de notre détachement de Namangan (Asie Centrale):—

"Le Commandant-en-chef du corps d'opérations au Khanat de Khokand, en laissant un corps détaché dans la section de Namangan, nouvellement annexée à l'Empire, prévoyait que l'ordre ne pourrait être définitivement et solidement rétabli dans notre nouvelle province frontière que quand les forces des Kiptchaks, qui forment l'élément prédominant de la population du Khanat, seraient brisées, vu que les Kiptchaks, malgré toute une série de défaites qui leur avaient été infligées pendant la dernière expédition au Khokand, continuaient à terroriser le reste de la population et à l'exciter à une guerre religieuse ('*hasavat*') contre nous.

"En présence de ces faits, l'Aide-de-camp Général de Kaufmann, en quittant la section militaire de Namangan, avait laissé au Général-Major Skobélew, Commandant de détachement de Namangan, des instructions lui prescrivant de se mettre en marche vers la fin de Décembre, avec une partie de son détachement, vers la contrée d'Eki-Sou-Arassy, située entre les Rivières Naryn et Kara-Daria, centre de la population Kiptchake, afin d'infliger à ces nomades une sévère punition, et cela à une époque de l'année où ils sont forcés de rester avec leurs biens et leurs familles dans leurs campements d'hiver, ne pouvant pas alors se réfugier dans les montagnes, couverts de neiges profondes. Après cette opération, notre détachement devait tomber sur Andidjan ou tout autre centre des forces ennemies,

\* Laid before Parliament with other Correspondence respecting Central Asia in 1878.

détruire celles-ci ou les disperser, et fournir ainsi au reste de la population la possibilité de rentrer dans le calme dont on l'avait fait sortir par la violence.

"D'après des télégrammes qu'on vient de recevoir, la première partie de ce programme a été remplie avec un grand succès. Le 25 Décembre, le Général-Major Skobélew quitta Naurangan à la tête de 2,800 hommes, et traversant le Naryn arriva le 27 sur la Kara-Daria. De ce point il envoya la colonne du Baron Meller Zokomelsky reconnaître la rive gauche. Pendant cette reconnaissance il éclata une fusillade dans l'un des villages. Les nouvelles arrivées au détachement indiquaient que l'ennemi s'était concentré en masses très-considérables à Marghelan et Andidjan. Le 28 le détachement du Général-Major Skobélew continua sa marche, en remontant la Kara-Daria, et rasa les villages abandonnés par les habitants. Des bandes de l'avant-garde ennemie commencèrent bientôt à se montrer aux environs de la rivière et sur nos lignes de communications, et à mesure que nos troupes avançaient les Kiptchaks se repliaient sur Andidjan, où venait aussi se concentrer les rassemblements de Marghelan.

"Les trois derniers jours du mois de Décembre, il faisait des froids de 15 degrés R., mais nos troupes continuaient vaillamment leur marche, n'ayant en tout que cinq malades. Les tentes de feutre dont on s'était muni ont considérablement contribué à ce résultat favorable. En route, on raseit toutes les habitations qu'on rencontrait. Païtok, centre principal de la population Kiptchake, fut détruite de fond en comble. De ce point on détacha une forte colonne dans les villages des montagnes.

"Se voyant menacée d'une ruine complète, une partie de la population Kiptchake commença à envoyer des députations pour demander grâce. Le Général-Major Skobélew promit d'épargner les Kiptchaks si, pour prouver leur entière et sincère soumission, ils lui livraient les instigateurs du 'hazavat.'

"Le 31 Décembre et le 1<sup>er</sup> Janvier notre cavalerie atteignit une bande de Kiptchaks en retraite, la mit en déroute et poursuivit les fuyards, qui perdirent beaucoup de monde, jusqu'au village de Yanghi-Sabaka. Après avoir nettoyé la rive droite de la Kara-Daria, le Général-Major Skobélew passa le fleuve à gué le 2 Janvier, à la hauteur de Sarbab, et s'établit dans un camp fortifié sur la rive gauche, en ordonnant de jeter un pont sur le canal ('aryk') de Moussoulman-Koul. Pendant la reconnaissance qui suivit, l'ennemi reçut nos troupes à coups de fusil. Dans cet engagement l'Enseigne de Cosaques Bolalsky fut blessé à la poitrine. Tous les villages qui ont fait leur soumission et ont commencé à payer la contribution dont on les a frappés ont été épargnés par nos troupes.

"À Andidjan, où vient de se rendre Abdourahman-Avtobatchi,



qui excite à la résistance toute la population des alentours, se trouvent concentrées des forces très-considérables, montant, d'après des renseignements dignes de foi, à 10,000 cavaliers, 5,000 sarbazes, et 15,000 habitants armés de fusils. Le Général-Major Skobélew, pensant que repasser le Naryn sans avoir dispersé ces rassemblements et infligé une punition exemplaire à la ville d'Andidjan serait un acte de nature à ébranler notre prestige et à compromettre les résultats déjà acquis, a décidé, si ses Proclamations n'avaient pas d'effet, de prendre la ville d'Andidjan de vive force. Il se proposait de commencer le bombardement le 3 Janvier.

“ La santé et l'esprit des troupes sont excellents.”

No. 62.—*Prince Gortchakow to Count Schouvaloff.*—(Communicated to the Earl of Derby by Count Schouvaloff, February 25.)

*St. Pétersbourg, le 1<sup>er</sup> Février, 1876.*

Sa Majesté l'Empereur a pris connaissance avec un vif intérêt du Mémoire accompagnant une dépêche de Lord Derby, dont Lord A. Loftus a donné lecture en mon absence au Gérant du Ministère Impérial.

Je joins ci-près copie de cette pièce, qui sert de réponse à la notice que votre Excellence avait été chargé de communiquer au Principal Secrétaire d'État de Sa Majesté Britannique en date du 11 Mai, 1875, concernant les relations des deux Gouvernements dans l'Asie Centrale.

Notre auguste Maître y a relevé avec satisfaction le désir amical de prévenir par de franches explications toute cause de malentendu entre les deux Cabinets. Sa Majesté apprécie également la largeur de vues avec laquelle Lord Derby écarte les discussions de détail et les restrictions que ne comportent point l'état mal défini des contrées sur lesquelles les deux Gouvernements ont à exercer leur influence.

Veuillez dire à son Excellence, d'ordre de notre auguste Maître, que nous adhérons entièrement aux conclusions d'après lesquelles, en maintenant de part et d'autre l'arrangement convenu quant aux limites de l'Afghanistan qui demeurerait en dehors de la sphère d'action de la Russie, les deux Cabinets considéreraient comme closes les discussions reconnues peu pratiques relativement à la zone intermédiaire, tout en conservant leur pleine liberté d'actions, ils se régleraient d'après le désir mutuel de tenir un juste compte de leurs intérêts et de leurs nécessités respectives, en évitant dans la mesure du possible un contact immédiat entre eux, ainsi que des collisions entre les États Asiatiques placés dans le rayon de leur influence.

Nous avons la conviction qu'en se maintenant sur ce terrain et en s'inspirant d'un esprit d'équité et de bon vouloir réciproque, les

deux Cabinets réussiront à consolider entre eux les relations amicales si heureusement établies au profit de la paix générale en Europe et en Asie.

Votre Excellence peut réitérer à Lord Derby l'assurance qu'il peut compter dans ce but sur notre franche co-opération.

Agréez, &c.,

Count Schouvaloff.

GORTCHAKOW.

*No. 64.—Lord A. Loftus to the Earl of Derby.—(Rec. March 20.)*  
(Extract.) *St. Petersburg, March 15, 1876.*

I HAVE the honour to inclose to your Lordship a notification published in the "Journal de St. Pétersbourg" from the "Official Gazette," stating that on the report of the Commander-in-chief of the military district of Turkestan, His Majesty the Emperor had decreed that the territory recently occupied by the Russian troops, and forming, up to the year 1875, the Khanate of Khokand, shall be incorporated in the Russian Empire, and converted into the Province of Fergan.

The Governor-General of Turkestan is charged to organize the administration of this province, by means of a provisional arrangement such as was introduced in the sections of Zeravschansk and the Amou-Daria.

This arrangement will be later submitted to the supreme sanction of the Emperor.

*The Earl of Derby.*

AUGUSTUS LOFTUS.

*(Inclosure.)—Extract from the "Journal de St. Pétersbourg" of*  
*March  $\frac{2}{15}$ , 1876.*

Le 19 Février, sur un rapport du Commandant-en-chef des troupes de la circonscription militaire du Turkestan, Sa Majesté l'Empereur a daigné ordonner les dispositions suivantes :—

Le territoire récemment occupé par les troupes Russes et formant jusqu'à l'année 1875 le Khanat de Khokand sera incorporé dans l'Empire et converti en Province de Fergan.

Le Gouverneur-Général du Turkestan est chargé d'en organiser l'administration, en tenant compte des conditions locales, au moyen d'un règlement provisoire à l'instar de celui introduit dans les sections de Zeravschansk et d'Amou-Daria. Ce règlement sera soumis en son temps à la sanction suprême. Les dépenses de cette nouvelle province seront couvertes par les recettes qu'on percevra des populations, et comptabilité en sera réglée sur les mêmes bases que dans les sections d'Amou-Daria, Kouldja et Zeravschansk.

*No. 65.—Lord A. Loftus to the Earl of Derby.—(Rec. April 8.)*  
 MY LORD, *St. Petersburg, March 27, 1876.*

WITH reference to my despatch of the 15th instant, I have now the honour to inclose to your Lordship a copy of the Imperial Ukase addressed to the Senate, as published by the "Official Gazette," annexing the Khanate of Khokand to the Imperial Dominions under the title of the Province of Ferghanah.

I have, &c.,

*The Earl of Derby.*

AUGUSTUS LOFTUS.

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*[(Inclosure).—Extract from the "Journal de St. Pétersbourg" of March 1<sup>st</sup>, 1876.]*

UKASE DE SA MAJESTÉ L'EMPEREUR AU SÉNAT DIRIGEANT.

EN vue d'assurer la sécurité de la frontière sud-est du Turkestan, nous avons jugé opportun d'incorporer à l'Empire le territoire récemment occupé par nos troupes et constituant jusqu'à l'année 1875 le Khanat du Khokand. Nous ordonnons de le réorganiser en Province de Ferganah, qui fera partie du Gouvernement-Général et de la circonscription militaire du Turkestan. En conséquence la haute administration de cette nouvelle province sera confiée au Gouverneur-Général du Turkestan et l'administration locale à un Gouverneur militaire, qui sera en même temps investi du commandement des troupes cantonnées dans cette province.

Le Gouverneur-Général du Turkestan est chargé d'organiser l'administration spéciale de cette province en tenant compte des circonstances du moment et des conditions locales, au moyen d'un règlement provisoire qui sera sanctionné dans les voies ordinaires.

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*No. 68.—Lord A. Loftus to the Earl of Derby.—(Received May 17.)*  
 MY LORD, *St. Petersburg, May 12, 1876.*

I AM happy to report to your Lordship that the speech of the Prime Minister on Mr. Baillie Cochrane's motion in the House of Commons has given great satisfaction here, not only in the official circles, but also generally among all classes.

I have the honour to inclose to your Lordship an article published in this morning's "Journal de St. Pétersbourg" from the "Moscow Gazette" (the organ of the Russian press which has hitherto been the least favourably disposed towards England in regard to the affairs of Central Asia), in which, after stating that the frank and firm reply of Mr. Disraeli places the two countries in the position conformable to their dignity, their greatness, and to their mutual interests, it hails with satisfaction the statement that the good understanding between the two Governments had never been more complete than at the present moment

It further continues to observe that the mutual concord and confidence of the Great Powers had never been more decisive for the peace of Europe, and it terminates by stating that, in the midst of the general concord, the mutual confidence between England and Russia was an element of decisive value.

I met General Kaufmann yesterday at the Ministry for Foreign Affairs, and he expressed to me the pleasure with which he had read Mr. Disraeli's speech, and he expressed a hope that England and Russia would act cordially together in Central Asia for their mutual welfare, and for the advancement of civilization.

General Kaufmann informed me that he was on the eve of returning to Tashkend to resume the duties of Governor-General of Turkestan.

I have, &c.,

*The Earl of Derby.*

AUGUSTUS LOFTUS.

(Inclosure.)—*Extract from the "Journal de St. Pétersbourg" of*

April 30,  
May 12, 1876.

No. 69.—*General Kaufmann (Governor-General of Russian Turkestan) to Ameer Shere Ali Khan.\**

(Translation.)

February, 1876.

YOUR Highness may have heard that some time ago (*lit.*, in these days) some evil-disposed persons persuaded (*lit.*, commanded) the people of Khokand with a view to gaining their (own) object, and considered it advantageous to endeavour to promote the same (object), and that consequently in the territory of Khokand several sad and dangerous ("mohlik") occurrences took place.

My Lord (*lit.* Oh exalted Dignity!), I have considered it useless to give a full detailed account of these (occurrences) in this despatch, but it is most important to communicate them (to you), otherwise it would be contrary to the friendship existing between Russia and Afghanistan (*lit.*, also the contents of this letter would have been somewhat repugnant). Consequently I have deemed it incumbent on me to give in this murrasila, in continuation of previous murrasilas, a brief account of the occurrences in Khokand and of the manner in which they terminated.

Last year in the month of Ayeeul, corresponding with Jamadi ul Sani, the people of Kipchak and Kirghiz tribes instigated and persuaded the people of Khokand to revolt, and their Sardars (headmen) Isa Aulia, Abdul Rahman Aftabchi, and other conceited persons, adopted measures against their (Khokandis) lawful Khan and expelled him from his country towards our dominions to seek shelter. At that time our agents armed with good offices had gone

\* Forwarded by India Office to Foreign Office, August 25, 1876.

to the people of Khokand, and the Khan took refuge and came with them (the agents) to our territory.

As soon as Khuda Yah Khan reached here, an agent of the head of the rebels arrived at Tashkend from Khokand with all speed with a letter to the Governor-General (meaning General von Kaufmann), stating that all the people (in Khokand) had rebelled against Khuda Yar Khan in consequence of his oppression and deviation from the (Mahommedan) law, and had driven him from their country, and that they had desired Nasiruddin Khan, the legitimate heir to the Chiefship, to become their Khan. \* \* \* General von Kaufmann most kindly accorded his consent (to their proposal) and sent a letter to the new Khan, Nasiruddin Khan, to the effect that His Imperial Majesty the Emperor of Russia was prepared to agree to his Khanship; but his agreement depended on the fulfilment of certain engagements of the people of Khokand, though it was understood that those engagements did not differ from the (contents of the) Treaty with Khuda Yar Khan.

The Russian Government felt anxiety as to whether the Sardars of the rebels would accept (*i.e.*, obey) the new ruler (Nasiruddin) and would exercise no oppression over the people, show ability and excellence in administration, and make endeavours towards peace and comfort, and after acknowledging the authority of their great neighbours, the Russians, abstain (*lit.*, forget) from seeking their own interest and gains, *i.e.*, from deposing the Khan accepted by the Russians, and would thus gain the good-will of Von Kaufmann. The next occurrence proved that the deputation of the above agent to Tashkend was only a stratagem and to gain time, they disregarded the kindness of General von Kaufmann, and their coming as representatives into the Russian possessions was a mere stratagem. When their agents were in Tashkend, they gave trouble to the people of Khokand in coming to our dominions, so much so that they told them that the Russians exercise great oppression over the Mahommedans. Having become enemies of the Russians they endeavour to kindle fire (of insurrection) in our subjects of\* (?) therefore they sent invitations and letters to the Mahommedans of Khojend, Tashkend, and other border territories to join in disturbances. Before their agents had left our territory (*lit.*, whether they had left or not), crowds of people of Khokand and Khojand, Karma, and Arp-tazan collected in Khojend Naloo and "Kari-ablik." We repulsed these people at once, still they succeeded in killing in a most brutal manner some of the residents of Alsatna, *i.e.*, Rahats and two Karkhanas and some cartmen, and in taking prisoner some travellers and Russians.

\* "Ahal-i-hawas," meaning not understood.

The Russian authorities lost no time (*lit.*, were not negligent) in defence; the Governor-General collected troops at once in Killa Mahram and repulsed the Khokand rebels, and this victory was so successful that it became impossible for them to regather. Nasiruddin Khan acknowledged that it was vain and puerile on his part to oppose the Russians, and having expressed repentance declared himself an ally (*lit.*, his submission) of the Governor-General, and in company with the rebels hastened to meet him, and solicited him to restore his Khanship to him permanently. He (the Governor-General) considered the offence of the Khan and the people of Khokand somewhat light, and thought that the people of Khokand were innocent and the Sardars evil-wishers; then the people of Khokand and the Sardars came and were made to think over and understand their interests (*lit.*, discriminate between gain and loss). Then the Governor-General of Turkestan, *i.e.*, Von Kaufmann, made over management of the territories of the Khan to him (the Khan), and reinstated him in the Chiefship permanently, and forgave the faults of the Sardars and rebels. \* \* \* \* As punishment to the Khan and his officers, the territory of Namangan lying between the right bank of the River Sir and the point where the River Narin falls into the River Sir, was annexed to Russian possessions. As soon as, according to our new Treaty with Nasiruddin Khan, our troops vacated Khokand, disturbances took place in Khokand, at the instigation of Abdul Rahman Aftabchi. Like his father, Khuda Yar, Nasiruddin fled from Khokand and was obliged to seek refuge under us; then the people of Khokand made Faulad Khan, a man of low family (*lit.*, of unknown birth) their Khan, but he could not govern them owing to his being destitute of common sense, sound judgment, and ability, and talent. He, in the commencement of his rule, caused brutal executions in Khokand, and killed a large number of good men, as well as all the survivors of Khuda Yar Khan, such as his sons, grandsons, &c. He attempted to try his fortune in opposing us, and to recover Namangan, and even to drive us out from Tashkend. For this purpose, with the aid and at the instigation of Abdul Rahman Aftabchi, he collected a great number of people in Andejan to attack Namangan. The Governor-General sent General Tor Daski (?) from Namangan, and he got possession of Andejan, and Faulad Khan and Abdul Rahman took to flight. The General Tor Daski considered the punishment sufficient, and by order of the Governor he abstained from ordering a general slaughter in Andejan and returned to Namangan; had Faulad Khan, Abdul Rahman, and their advisers and councillors been sensible and experienced persons, the above punishment would have been sufficient for them, and instead of adopting lengthy operations and risking their lives, they would have

tendered apology and allegiance, but as they did not possess such sense they again raised disturbances in Namangan. As God has given us strength, and as He helps all true and just undertakings, General Skobelev, after quelling the disturbances raised in Namangan and punishing his subjects, suitably attacked Faulad Khan and Abdul Rahman Aftabchi several times, demolished several large buildings (perhaps forts or entrenchments are meant) and took possession of Andijan; then severe fighting took place in Aska, and Faulad Beg was forced to fly towards Karatagin. Abdul Rahman recovered his senses (*lit.*, his eyes were opened) and confessed that it was most difficult and impossible (for him) to succeed in his hostilities with the Russians, and tendered voluntary submission and begged pardon. He was followed by the head Sardar of Khokand rebels, who came to Major-General Skobelev and repented his actions, and begged for forgiveness. After more than six months the people of Khokand, who were in a very distressed condition, felt inclined to make Nasiruddin Khan their Khan. He was at the time in Killa Mahram, and finding his people in straits he left for Khokand; before he had arrived at that place the Kipchaks and Kirghiz collected a large body of people and severely opposed him (several of his followers were taken prisoners), and those who escaped returned to Killa Mahram. Dissension exists amongst the people of Khokand, and in consequence of this ill-feeling some desired to appoint Nasiruddin, some Faulad Khan, and others a dissolute person (or worthless fellow), Aubash, as their Khan. The majority of the people, however, expressed their wish for assistance from the Russians; with this view the people of Khokand, Marghinan, Osh, and Isfara, and the agents of other provinces, waited on Major-General Skobelev and intimated their repentance at their enmity towards the Russians, and their inability to oppose them (the Russians), and expressed their wish for an amicable settlement of matters. They acknowledged their weakness, and begged for peace for their countrymen. They also made confessions of allegiance and submission, and brought letters from their countrymen to the effect, "we have submitted ourselves to the Emperor, their submission may be accepted."

\* \* \* \* \*

This petition was accepted. The Emperor could adopt no other mode to restore peace and comfort to the people (of Khokand), because Nasiruddin was twice appointed Khan of his hereditary country, but he was expelled on both occasions towards Russian Turkestan (by his people). His Imperial Majesty considered it safer to keep these people under his own control with regard to their circumstances, and he therefore on this (last) occasion approved of their submission. Their territory (*lit.*, lands) was annexed

to Russian possessions, the provinces included in the Khanship of Khokand were denominated Ublus Farghana. I intimate these events and the policy of the Emperor to your Highness, and also state that the Emperor ordered me to take possession of (*lit.*, make submit) all the territories under the (late) Khan of Khokand. On receipt of this order I left with all speed next day, and reached the Ublus of Farghana; then I made over (the management of) Ublus-nai on the Sir (Darya) to the Governor-General of Turkestan and Lieutenant-General Golovachef. I beg to add as a supplement to this letter, that the Russian Government is bound (*lit.*, entrusted) to deal with friendship and peace in all affairs with their neighbours who govern and rule countries in the East independently (*lit.*, permanently), and for this reason Russia abstains (*lit.*, silent) from taking possession of them (countries), though on the present occasion we have been constrained to annex Khokand to Russian possessions; in reality this annexation has not been effected for the interests of Russia, but at the request of the people of Khokand merely to afford them tranquillity. As on account of these evil habits and intentions old-standing dissension existed amongst these people, as appears from the history of their country, and they could never attain to tranquillity under a Native Government, or till they accepted a powerful ruler and Government, such a ruler as the Emperor of Russia, I indulge in the hope that my unchanging friendship and regard may be accepted by your Highness.

Written at Tashkend in the month of Moharram, 1293 Hijri, mahth of Febral (February). Written in Russian by General Gubernator, Turkestan, Adjutant von Kaufmann, Lieutenant-General-Kolpakovski (?)

*No. 77.—Lord A. Loftus to the Earl of Derby.—(Rec. October 18.)*

MY LORD,

*St. Petersburg, October 18, 1876.*

I HAVE the honour to inclose to your Lordship herewith copy of a note which, in conformity with the instructions of your Lordship's despatch of the 2nd instant, I have addressed to M. de Giers, calling the attention of the Imperial Government to the reported mission of an Agent by General Kaufmann to Cabul, with instructions to induce Shere Ali to sign an offensive and defensive alliance with the Russian Government, as well as a Commercial Treaty, and reminding them of their repeated assurances that Afghanistan is completely outside the sphere within which Russia may be called upon to exercise her influence.

I have, &c.,

*The Earl of Derby.*

AUGUSTUS LOFTUS.



(*Inclosure.*)—*Lord A. Loftus to M. de Giers.*

M. LE SÉNATEUR,

*St. Petersburg,* <sup>September 30,</sup>  
October 13, 1876.

REPORTS have reached Her Majesty's Government from a reliable source that an Agent was charged by his Excellency General von Kaufmann, Governor-General of Turkestan, in February last, to deliver a letter from him to His Highness the Ameer of Afghanistan, and that this Agent is still at Cabul for the object, as is stated, of endeavouring, in conformity with his instructions, to induce Shere Ali to sign an offensive and defensive alliance with the Russian Government, as well as a Treaty of Commerce.

Her Majesty's Government are convinced that a frank and unreserved exchange of friendly communication between the two Governments on all matters relating to Central Asia will best conduce to the maintenance of that perfect understanding which now so happily exists between them, and acting in this spirit they deem it desirable to bring the reports they have received under the notice of the Imperial Government.

In doing so I am instructed at the same time by the Earl of Derby, Her Majesty's Principal Secretary of State for Foreign Affairs, to remind the Imperial Government of the repeated assurances given by them that Afghanistan is completely outside the sphere within which Russia may be called upon to exercise her influence.

I entertain no doubt that, on being informed of the sending by General von Kaufmann of an Agent to Cabul, and of the object which has detained him there, the Imperial Government will at once instruct General von Kaufmann to conform strictly to the assurances given by Prince Gortchakow with regard to Afghanistan, the spirit of which would be infringed by the negotiation of Treaties with Shere Ali such as those to which I have referred.

I avail, &c.,

*M. de Giers.*

AUGUSTUS LOFTUS.

*No. 80.—The Earl of Derby to Lord A. Loftus.*

MY LORD,

*Foreign Office, October 24, 1876.*

WITH reference to your Excellency's despatch of the 13th instant, Count Schouvaloff communicated to me a telegram from his Government denying categorically that General Kaufmann is acting at Cabul, either through an Agent or in any other manner.

It is my intention to place in Count Schouvaloff's hands a copy of General Kaufmann's letter of February last, and to point out to him that his Government would seem to have been kept in ignorance of the General's proceedings.

I take this opportunity of sending your Excellency a copy of a further letter from the India Office, inclosing copies of despatches from India, in which it is shown that General Kaufmann for many years past has been in the habit of keeping up a correspondence with the Ameer, a proceeding which, in the opinion of Her Majesty's Government, is opposed to the understanding between England and Russia, which stipulates that Russia shall not interfere in any way in the affairs of Afghanistan.

I am, &c.,

Lord A. Loftus.

DERBY.

No. 81.—*Lord A. Loftus to the Earl of Derby.*—(Rec. October 30.)

MY LORD,

St. Petersburg, October 19, 1876.

ON the occasion of my conversation with M. de Giers, on the reported presence of a Russian Agent at Cabul, and of the objects of his mission, his Excellency told me that he had learnt, through the Russian Agent at Meshed, that great preparations were making at Herat for an expedition against Merv.

I told his Excellency that I thought this very unlikely, as the Ameer of Afghanistan had no connection with Merv. It would be different if the Persian Government were to undertake such an expedition, for they had an undoubted legal claim to that country; but I was not aware, nor did I think it at all likely, that the Persian Government meditated any such enterprise.

I have, &c.,

The Earl of Derby.

AUGUSTUS LOFTUS.

No. 82.—*Lord A. Loftus to the Earl of Derby.*—(Rec. October 30.)

MY LORD,

St. Petersburg, October 19, 1876.

I HAD an interview with M. de Giers on the 14th instant, when his Excellency, referring to the note I had addressed to him (as reported in my despatch of the 13th instant) on the presence of a Russian Agent at Cabul, stated that he had no knowledge of any such Agent having been sent by General Kaufmann to the Ameer of Afghanistan, nor after inquiry at the Ministry of War could he ascertain that there was any information of any letter having been addressed or sent to Shere Ali by General Kaufmann in February last.

His Excellency further observed that at that time General Kaufmann was at St. Petersburg.

His Excellency expressed a wish to see a copy of the letter in question, as he must suppose that it was apocryphal.

I did not consider that I was authorized to conform to this wish without your Lordship's authorization.

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His Excellency stated that he had written to General Kaufmann for information, and that on his receiving his reply, he would, in conformity with my request, give me a written answer to my note.

I have, &c.,

*The Earl of Derby.*

AUGUSTUS LOFTUS.

*No. 86.—Lord A. Loftus to the Earl of Derby.—(Rec. Nov. 21.)*

MY LORD,

*St. Petersburg, November 15, 1876.*

At my interview to-day with Prince Gortchacow I profited of the opportunity to mention the report of a projected Russian expedition to Merv.

His Highness denied at once that any such intention existed, and authorized me to inform your Lordship that there was no question of an expedition against Merv, nor any idea of occupying Merv.

Prince Gortchakow said that some of the Téké Turkomans had plundered some "aouls" of another Turkoman tribe under Russian protectorate, and that a detachment of troops had been sent to their protection, as also to keep open the communication between Krasnovodsk and Khiva.

His Highness observed that there were indications of the Afghans undertaking an expedition against the Téké Turkomans and Merv, but His Highness did not appear to be acquainted with any details on the subject.

I further mentioned to his Highness the communication which General Kaufmann was carrying on directly with the Ameer of Afghanistan through a secret Agent who had arrived some time ago at Cabul, and was still residing there; and I observed to him that these communications were not in conformity with the engagement taken by Russia, as recorded by his Highness himself, when he declared that Russia considered Afghanistan to be beyond the sphere of her political action.

Prince Gortchakow replied that there was no Russian Agent at Cabul as far as he knew, and that General Kaufmann had merely forwarded a complimentary letter to the Ameer, as he was in the habit of doing on returning to his post.

"But," added his Highness, "quand nous avons en main une baleine, je ne puis pas m'occuper des petits poissons."

His Highness, however, charged me to inform your Lordship that the reported expedition against Merv was without any foundation.

Before reverting to the subject of General Kaufmann's communication with the Ameer of Afghanistan and the presence of a Russian Agent at Cabul, I shall request M. de Giers to give me an answer in writing to the note which I addressed to his Excellency on

that subject on the 12th October, a copy of which was inclosed in my despatch of the 13th October.

I have, &c.,

*The Earl of Derby.*

AUGUSTUS LOFTUS.

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*No. 87.—Lord A. Loftus to the Earl of Derby.—(Rec. November 21.)*

(Extract.)

*St. Petersburg, November 17, 1876.*

I HAD an interview to-day with M. de Giers, who is the Director of the Asiatic Department in the Imperial Ministry for Foreign Affairs.

I requested his Excellency to give me a written reply to my note in regard to the communication of General Kaufmann with the Ameer of Afghanistan and the prolonged presence at Cabul of a Russian Agent.

His Excellency demurred somewhat in giving a written answer, but I maintained my request for a reply in writing, which his Excellency promised that I should receive.

M. de Giers then stated that there was no question of General Kaufmann entering into political communication with the Ameer of Afghanistan, nor was there the remotest idea of any Treaty engagements. The Agent was simply charged to deliver a letter of courtesy from General Kaufmann to the Ameer, which was a usual custom on his resuming the duties of his post, and as the Governor-General of a neighbouring State.

To this I replied that he was not the Governor of a neighbouring State, inasmuch as the Khanate of Bokhara was still to be regarded as an independent State, and that I therefore considered it necessary that General Kaufmann should receive express orders from the Imperial Government to desist in future from sending Agents to Cabul and from entertaining political communication with the Ameer of Afghanistan.

M. de Giers then informed me that the Imperial Government had received information, both from General Kaufmann and through the Imperial Minister at Tehran, that the Afghan Government were making great military preparations. He stated that 10,000 men were assembled at Herat, with 1,600 cavalry, all well armed and equipped; that they were being constantly drilled and exercised, and that a cannon foundry was established at Herat capable of producing one cannon per day. From the information the Imperial Government had received, this armament was destined for an expedition against the Turkomans and against Merv.

It would appear, from the report of General Kaufmann, that he was somewhat disturbed in mind by this reported expedition.

General Kaufmann, in his report, referred also to certain incur-

sions beyond their frontier which the Afghan troops were undertaking in the direction of Zaraffshan and Karateguin, and he referred to them as likely to produce a disturbance of the relations between Bokhara and Afghanistan.

On my inquiry, his Excellency further informed me that in consequence of a disagreement between the Turkomans and the Khan of Khiva, the latter had expressed a wish to renounce his rights of government in favour of Russia, but that General Kaufmann had opposed this wish, and was now acting as the arbitrator between the Khan and his subjects.

His Excellency stated that the Imperial Government desired anxiously that no change in the *status quo* should take place, and that peace and order should reign in Central Asia.

In giving me this communication, his Excellency referred to the original correspondence of General Kaufmann, and I suggested to him that he should forward that correspondence to Count Schouvaloff for communication to your Lordship.

*The Earl of Derby.*

AUGUSTUS LOFTUS.

No. 91.—*Lord A. Loftus to the Earl of Derby.*—(Rec. December 12.)

MY LORD,

*St. Petersburg, December 6, 1876.*

I CALLED M. de Giers' attention to-day to the inclosed article from the "Agence Russe," stating that the Russian papers announce that the Indian papers "Rassul" and "Bombay Gazette" have received a telegram from Lahore, stating that the Ameer of Cabul had evinced the intention of receiving the Envoy of Russia with all the honours prescribed by Oriental etiquette. In view of which the English Ambassador at Cabul, Mahomed Khan, had declared that his Government would view such an act as an offence. The Ameer having persisted in his decision, the English Ambassador had asked for his passports and left Cabul.

M. de Giers said that he knew nothing of this report, and had not even seen it in the Russian press. He considered it as utterly unfounded and of pure invention.

Admitting that the intelligence in question might be greatly exaggerated, I observed to his Highness that I had certain information of General Kaufmann having sent two, if not three, Agents to Cabul, and his Excellency would therefore see how necessary it was, with a view to maintain the engagements with Her Majesty's Government, that General Kaufmann should be instructed to abstain from sending Agents to Cabul, and from entering into official communications with the Ameer of Afghanistan.

His Excellency replied that he could answer for General Kaufmann not having entered into any political negotiations with the

Ameer of Afghanistan. He was daily expecting the answer from the General to the question he had addressed to him on the subject of my previous communication, and, on its receipt, would inform me of it.

I have, &c.,

*The Earl of Derby.*

AUGUSTUS LOFTUS.

(*Inclosure.*)—*Extract from the "Agence Russe."*

Les journaux Russes disent qu'on télégraphie de Lahore aux journaux Indous le "Rassul" et la "Bombay Gazette," que l'Émir de Caboul a manifesté l'intention de recevoir l'Envoyé de Russie avec tous les honneurs prescrits par l'étiquette Orientale. Ce que voyant, Mahomed Khan, Ambassadeur d'Angleterre à la Cour de l'Émir, aurait déclaré que son Gouvernement considérerait cet acte comme une offense. L'Émir ayant persisté dans sa décision, l'Ambassadeur d'Angleterre aurait demandé ses passeports et quitté Caboul.

*No. 92.—Lord A. Loftus to the Earl of Derby.—(Rec. December 12.)*

MY LORD,

*St. Petersburg, December 6, 1876.*

I HAVE the honour to inclose to your Lordship copy of a note which I have received from M. de Giers in reply to the note which I addressed to his Excellency on the 12th October last, on the subject of the correspondence between General Kaufmann and the Ameer of Afghanistan, copy of which was inclosed in my despatch of the 18th October.

His Excellency states that the Imperial Government have no knowledge of this correspondence, and have referred to General Kaufmann for information. He denies, however, the existence of any political negotiations between the Imperial authorities of Turkestan and those of Cabul.

His Excellency then refers to information which has reached the Imperial Government from Tashkend, reporting a simultaneous movement of the troops of the Indian army on the one hand into the State of Ahmoud Saib, Ruler of Swat, and on the other hand of Afghan detachments into Darvaez, a small independent State beyond the frontier of Badakshan, and adjoining Karateguine, both being vassal provinces of the Emir of Bokhara.

The Imperial Government have further learnt that considerable armaments are being made at Herat, in view of an expedition against Merv.

His Excellency adds that if these facts should be confirmed, they would constitute an infraction of the understanding of 1872, by which Great Britain engaged to dissuade the Ameer of Afghanistan from any undertaking beyond his frontier, and they entertain no

doubts that Her Majesty's Government will use their efforts to prevent any encroachment of such a nature.

I have, &c.,

*The Earl of Derby.*

AUGUSTUS LOFTUS.

(*Inclosure.*)—*M. de Giers to Lord A. Loftus.*

M. L'AMBASSADEUR,

*St. Pétersbourg, le* <sup>10 Novembre</sup> ~~1 Décembre~~, 1876.

J'AI eu honneur de recevoir la note en date du <sup>30 Septembre</sup> ~~15 Octobre~~ de cette année, par laquelle votre Excellence signalait le prétendu envoi d'un Agent Russe à Caboul, muni d'une lettre du Général Kaufmann et soi-disant chargé de négocier avec l'Émir une alliance offensive et défensive, ainsi qu'un Traité de Commerce.

Le Chancelier de l'Empire a déjà répondu à une question adressée à ce sujet à notre Ambassadeur à Londres par le Principal Secrétaire de Sa Majesté Britannique, en niant catégoriquement l'exactitude de la rumeur susmentionnée.

Votre Excellence m'a fait parvenir depuis, par une nouvelle note en date du  $\frac{1}{2}$  de ce mois, traduction d'une lettre du Général Kaufmann à l'Émir de Caboul et d'une réponse de celui-ci.

Le Ministère Impérial n'a aucune connaissance de cette correspondance. Il s'est empressé toutefois de demander à son sujet des renseignements au Général Kaufmann, en le priant d'éclaircir, s'il le peut, les faits qui ont pu donner lieu aux bruits parvenus au Gouvernement de Sa Majesté Britannique. Votre Excellence a dû se convaincre, en attendant, elle-même, que la lettre du Général Kaufmann mentionnée dans sa dernière note ne contenait rien qu'un message de courtoisie, et ne justifiait d'aucune façon l'existence d'une négociation politique quelconque entre nos autorités du Turkestan et celles de Caboul.

Le soin que le Cabinet de Londres apporte à veiller à la stricte observation de l'entente établie entre lui et la Russie en 1872 relativement à l'Afghanistan engage le Ministère Impérial de son côté à mentionner certaines informations qui lui sont parvenues de Taschkend, et qui ont trait à un mouvement de troupes simultané de l'armée des Indes d'une part, dans les États d'Ahmoud Sahib, Maître de Souat, et de détachements Afghans de l'autre, dans le Darvaz, petit État indépendant en dehors des limites de Badakchan et du Vakhán, et limitrophe au nord-est du Karatcheguine, provinces toutes les deux vassales de l'Émir de Boukhara.

Nous apprenons en même temps que des armements considérables se font à Hérat en vue d'une expédition contre les Turcomans de Merv.

Si ces faits venaient à se confirmer ils constitueraient une infraction directe à l'entente de 1872, par laquelle la Grande Bretagne

s'est engagée à détourner l'Émir de tout empiétement au-delà de la zone reconnue comme se trouvant sous la domination Afghane.

Le Ministère Impérial ne doute pas que le Gouvernement Britannique n'exerce toute son influence à Caboul pour empêcher des empiétements de cette nature.

Veillez, &c.,

Lord A. Loftus.

GIERS.

No. 93.—*Lord A. Loftus to the Earl of Derby.*—(Rec. December 21.)

MY LORD,

*St. Petersburg, December 16, 1876.*

WITH reference to previous correspondence, I have now the honour to inclose to your Lordship copy of a note which I have received from M. de Giers, transmitting a report in translation from General Kaufmann, in which the Governor-General of Turkestan denies energetically that he has sent any Agent or Agents to Cabul, and affirms that his relations with the Ameer of Afghauistan have been strictly confined to an exchange of civilities.

General Kaufmann further states that his letters to the Ameer once or twice a year have always been forwarded from Samarcand, through the Ameer of Bokhara, to the Governor of Balkh, by whom they were transmitted to Shere Ali Khan, and that these letters bore no other character but that of mere courtesy.

General Kaufmann protests formally against the reports which were referred to in my note to M. de Giers of the <sup>30th September</sup> ~~11th October~~ last, as being entirely without foundation.

I have, &c.,

*The Earl of Derby.*

AUGUSTUS LOFTUS.

(Inclosure 1.)—*M. de Giers to Lord A. Loftus.*

M. L'AMBASSADEUR,

*St. Pétersbourg, le 1<sup>er</sup> Décembre, 1876.*

À LA suite des deux notes de votre Excellence, en date du <sup>30 Septembre</sup> ~~11 Octobre~~ et 1<sup>er</sup> Novembre, relativement aux renseignements parvenus au Gouvernement Britannique quant à l'envoi d'un prétendu Agent Russe à Caboul pour conclure un Traité d'Alliance et de Commerce avec l'Émir, j'ai déjà eu l'honneur de vous informer par ma note responsive en date du 19 Novembre que j'ai demandé des renseignements à cet égard au Général Kaufmann.

Je me fais un devoir aujourd'hui de joindre ci-près une traduction exacte de cette réponse, qui vient de parvenir au Ministère Impérial.

Votre Excellence voudra bien y remarquer l'étonnement qu'inspirent au Général Kaufmann les renseignements dont le Gouvernement Britannique semble s'être ému, et dont l'exactitude est entièrement récusée par l'Administration du Turkestan.

Veillez, &c.,

Lord A. Loftus.

GIERS.



(Inclosure 2.)—*General Kaufmann to M. de Giers.*

(Traduction.)

*Le 9 Novembre, 1876.*

VOTRE Excellence a bien voulu me transmettre par sa lettre du 8 Octobre dernier traduction d'une note de l'Ambassadeur d'Angleterre près la Cour Impériale relativement à un prétendu Agent que j'aurais expédié, selon les renseignements du Gouvernement Britannique, à Caboul, pour conclure un Traité d'Alliance, offensive et défensive, ainsi qu'un Traité de Commerce.

Je crois de mon devoir d'informer votre Excellence que depuis mon entrée en fonctions de Gouverneur-Général de Turkestan, mes relations avec Shere Ali Khan se sont bornées à des échanges de politesses, et que je n'ai jamais envoyé à Caboul ni Agents ni même un seul Djiguite.

Mes lettres ont été toujours expédiées, une ou deux fois annuellement, par l'Émir de Bokhara, qui les faisait parvenir à Caboul ou par un Djiguite de Samarcande à l'adresse du Chef de Balkh, qui les envoyait à l'Émir Afghan.

Ces communications ne portaient jamais d'autre caractère que celui de pure courtoisie, comme votre Excellence peut s'en persuader par les copies déposées au Département Asiatique.

Je m'empresse de constater à cette occasion que ma manière d'agir envers les Khanats, limitrophes ou autres, n'a jamais été un mystère pour le Ministère des Affaires Étrangères, et qu'elle a constamment répondu aux ordres suprêmes dont Sa Majesté l'Empereur a daigné me munir lors de ma nomination à mon poste.

Mes convictions personnelles n'admettent la nécessité d'aucune ruse ni d'aucun subterfuge pour l'expédition satisfaisante des affaires, et j'ose espérer qu'une longue série d'années a convaincu le Ministère Impérial de l'absence de toute intrigue politique dans mes rapports avec les Khanats Asiatiques—intrigues contraires à mon caractère personnel, aussi opposé au mensonge dans la vie politique dans la vie privée.

Son Altesse le Chancelier de l'Empire a entièrement approuvé cette manière d'envisager nos affaires de l'Asie Centrale.

En conséquence, j'ai l'honneur de prier votre Excellence de vouloir bien formellement protester contre les assertions, dénuées de toute exactitude, consignées dans la note de l'Ambassadeur de Grande Bretagne.

Je récusé tout caractère d'authenticité de la source à laquelle ces renseignements tout-à-fait erronés ont pu avoir été puisés.

Veuillez, &c.,

*M. de Giers.*

**KAUFMANN.**

*TREATY of Friendship and Commerce between Portugal and the Orange Free State.—Signed at London, March 10, 1876.*

[Ratifications exchanged October 20, 1877.]

(Translation.)

HIS Majesty the King of Portugal and of the Algarves, and his Excellency the President of the Orange Free State, being animated with the desire of developing and consolidating the friendly and commercial relations between their respective States, have determined to conclude a Treaty for this purpose, and have appointed their Plenipotentiaries, namely:

HIS Majesty the King of Portugal and of the Algarves, the Viscount Duprat, Knight Commander of the Orders of Christ and of Our Lady of the Conception of Villa Viçosa, Officer of the Legion of Honour of France, of Saints Maurice and Lazarus of Italy and of Leopold of Belgium, Chargé d'Affaires to the South African Republics, and Consul-General of Portugal in London, &c.; and

HIS Excellency the President of the Orange Free State, Mr. Hendrick Antonie Lodewyk Hamelberg, Knight Commander of the Order of Leopold of Belgium, Consul-General of the Orange Free State in Holland, and Diplomatic Agent for the conclusion of this Treaty;

Who, after having communicated to each other their respective full powers, which were found in due and proper form, have concluded and agreed upon the following Articles:—

ART. I. There shall be perpetual friendship between HIS Majesty the King of Portugal and his subjects on the one side, and the President of the Orange Free State and his citizens on the other, and a full and mutual freedom of commerce between their respective territories.

II. The subjects and citizens of either of the High Contracting Parties in the territory of the other shall be freely allowed to enter any ports, rivers, or places where foreign trade is already or may hereafter be allowed, and to settle and to reside therein; and also to hire, purchase, and build houses and stores, to acquire and to hold any kind of real or movable property, to carry on any trade or profession, to trade by wholesale or by retail, and to effect the conveyance of merchandize or of specie, provided they submit to the laws and regulations that may be in force in either of the respective territories or dominions.

They shall have a free and easy access to the Courts of Justice in order to claim and defend their rights in the several Courts according to the different degrees of jurisdiction provided by

law; and they shall be at liberty to employ for that purpose lawyers, solicitors, or agents of any kind, and, in fine, they shall enjoy in this matter the same rights and advantages as may already have been, or may in future be, granted to the natives.

They shall be at liberty to dispose, as to them may seem good, by gift, sale, exchange, will, or any other manner, of any property they may possess within the respective territories, and also withdraw their capital in full from the country.

In the same manner the subjects and citizens of one of the two States who may inherit property situated in the other shall be allowed to succeed, without hindrance, to the said property, even *ab intestato*, and the said heirs or legatees shall not have to pay any other or higher succession or legacy duties than those paid in similar cases by the natives.

They shall be allowed freely to exercise their religion, and to meet for the public celebration of their worship in accordance with their respective rites, to establish cemeteries and to bury their dead with their respective ceremonies, complying, however, in every instance with the laws and regulations in force in each country.

They shall be exempt from forced loans, and from all extraordinary taxes that are not general and established by law, as well as from military service by sea and on land.

Their persons, families, property, and houses shall enjoy the same protection as those of the natives.

III. The products of the soil and industry of the Portuguese possessions in Mozambique shall not be subject to any import or transit dues in the territory of the Orange Free State, and in like manner the products of the soil and industry of that State shall be exempt from any import or transit dues in the Portuguese Possessions of Mozambique.

IV. His Majesty the King of Portugal and of the Algarves, being desirous of contributing toward the development and prosperity of the Orange Free State, and to facilitate as much as possible the exportation of its products, consents that the said State shall be placed on the same footing as the Portuguese Province of Mozambique, and shall enjoy the same advantages and facilities, both as regards exportation as well as importation, through the ports of the said province.

V. The transit of the products of the soil and industry of the Orange Free State through the Portuguese territory of the Province of Mozambique, as well as the transit, through the same territory, of merchandize of any origin or nationality, imported through the Bay of Lorenzo Marques for the said State, shall be entirely free and exempt from any duties whatsoever.

VI. His Majesty the King of Portugal reserves to himself the

right of prohibiting the importation of arms and munitions of war, and of subjecting the transit thereof to special regulations, but he nevertheless binds himself to permit the free importation and transit of arms and munitions of war for the Orange Free State, when applied for by the Government of that State, the requisite guarantees being given in order to make sure of their being intended for that State.

VII. The products of the soil and industry of the Orange Free State exported through the Bay of Lorenzo Marques shall be exempt from all export duty, but they shall be liable—like products of Portuguese origin—to all quay and lighthouse dues, or other port dues that may there be established.

VIII. Merchandise of whatsoever origin or nationality imported through the Bay of Lorenzo Marques to the Orange Free State shall be subject to an import duty of 3 per cent. His Majesty the King of Portugal, however, reserves to himself power to increase this duty to 6 per cent.

IX. The undermentioned goods shall be exempt from import duties:—

Live animals, hides, flour of wheat, maize, barley, rye, and oats, seeds, fresh fruits, pulse of all kinds, mineral coal and coke, ice, guano and other kinds of manure, bitumen, lime, stone for building purposes, including slates or stones for roofing, tiles and bricks of all kinds, tools, implements, instruments, machinery, and utensils for trades, arts, agriculture, and mining; books, stitched or bound, printed in any language; music and musical instruments, printing presses and type, charts and maps, articles of any kind for music, specimens for scientific collections and all collections of works of art not destined for trade, foreign gold or silver coin, Portuguese silver or copper coin from Portuguese ports, ships and boats of any kind (old or new), steam-ships.

X. It shall be lawful to re-export from the Custom-house stores at Lorenzo Marques any merchandise in bond that may have been imported therein. Such merchandise shall be exempt from all re-exportation duties, but they shall be subject to the charges and fees for warehousing, as well as to port dues.

XI. The *ad valorem* duties shall be calculated on the value of the merchandise in its market of origin in the following manner:—

The importer or exporter on entering the goods for clearance at the Custom-house shall sign a declaration, giving the description and value thereof, as he may assess the same in his own judgment.

This declaration shall contain the necessary information for the levying of the duty.

Should the Custom-house consider the value thus declared to be insufficient, it may retain the goods on payment to the exporter,

within 15 days from the date of the declaration, of the amount of the value declared, with an addition thereto of 10 per cent.

Should the Custom-house, however, consider it inexpedient to proceed to pre-emption, a valuation shall be made by experts, of whom one shall be named by the declarer and the other by the chief of the Custom-house; in the event of an equality of votes, the chief of the Custom-house shall name a third expert, whose casting vote shall be final for either side.

In case the examination by experts should show that the value of the merchandize is not more than 10 per cent. over and above that declared by the importer or exporter, the duty thereon shall be levied upon the amount as declared.

Should the value exceed 10 per cent. over and above the amount declared, the Custom-house shall have the option, either of exercising the right of pre-emption or of levying the duty upon the amount, as fixed by the experts: 50 per cent. shall be added to the duty, as a fine, if the valuation of the experts be more than 15 per cent. over and above the value declared.

The expenses incurred on account of the examination by experts shall be paid by the declarer whenever the value fixed by them shall exceed by 10 per cent. the value declared; if otherwise, they shall be paid by the Custom-house.

XII. The products of the soil and of the industry of Portugal and of its transmarine possessions shall be admitted into the Orange Free State, and *vice versa* the products of the soil and industry of the Orange Free State shall be admitted into Portugal and into its transmarine possessions, under the same conditions as the similar products of the most favoured nation.

XIII. Ships sailing under the flag of the Orange Free State shall, in every respect, enjoy the same treatment as, and shall not be liable to any other or higher duties than, Portuguese vessels, both in the ports of the province of Mozambique, and in the ports of the other Colonies or of the continent of Portugal, and in the adjacent islands.

It remains, however, understood that this stipulation does not apply to the coasting trade, either of the larger or smaller category, so long as the same is reserved to the national flag.

XIV. Any reductions of duties, favours, or privileges that may be accorded by either of the said Contracting Parties to the subjects, trade, or products of the soil or industry, or to the flag of any third Power in any part of its dominions, shall be immediately and unconditionally extended to the other.

Neither of the High Contracting Parties shall subject either the trade or navigation or the subjects of the other to any prohibitions, restrictions, or duties that are not also applied to all other nations.

Power is, however, reserved to Portugal to grant to Brazil only special advantages which shall not be claimed by the Government of the Orange Free State as a consequence of their general right to most-favoured-nation treatment. The same power is reserved, on behalf of the Government of the Orange Free State, in favour of the South African Republic.

XV. Each of the High Contracting Parties shall have the right to appoint Consuls-General, Consuls, Vice-Consuls, and Consular Agents at any ports, cities, and places in the territory of the other, saving the power of either of them to except any place if it should deem it expedient so to do.

Such reservation shall not, however, be applied to either of the said Contracting Parties unless it is also applied to all other nations.

The said officials shall be reciprocally admitted and recognized on presentation of their commissions in accordance with the rules and formalities in use in the respective countries.

The necessary exequatur for the free exercise of their functions shall be conceded gratis; and upon the exhibition of the said exequatur the chief authority of the place of their residence shall immediately take the necessary steps to enable them to discharge their official duties, and to enjoy all the exemptions, prerogatives, immunities, honours, and privileges to which they are entitled.

XVI. The Consuls-General, Consuls, Vice-Consuls, and Consular Agents of either of the High Contracting Parties shall enjoy in the territory of the other the privileges which are generally accorded to their office, such as, exemption from having soldiers quartered in their houses, from any direct taxes whatsoever, either on their persons or their goods or their households, ordinary or extraordinary; excepting, however, those who may happen to be subjects or citizens of the country where they reside, or who may carry on any business or trade therein, for in that case they shall be liable to the same imposts, charges, and taxes as are levied on other private individuals on account of their nationality or of their respective business or trade.

It is understood that any taxes to which such Agents may be liable on account of any real property which they may hold in the territory where they reside, are not included in the aforesaid exemptions.

The respective Consuls-General, Consuls, Vice-Consuls, and Consular Agents shall moreover enjoy personal immunity (such acts excepted as may be qualified by the legislation of either country as crimes or contraventions of the law, and punished as such), as well as all the immunities and privileges that may be accorded to the Consular officials of the most favoured nation.

XVII. The Consular Archives shall be inviolable, and the local authorities shall not, under any pretext or in any case, examine or seize any papers forming part thereof.

These papers shall always be kept apart from the books or papers relating to the trade or profession which may be carried on by the Consuls-General, Consuls, Vice-Consuls, or Consular Agents.

XVIII. The Consuls-General, Consuls, Vice-Consuls, or Consular Agents of the two countries shall be at liberty to address themselves to the local authorities of the place where they reside, and, if necessary, and in the absence of a Diplomatic Agent of their nation, they may appeal to the Supreme Government of the State wherein they exercise their respective functions, in order to complain of any infraction on the part of any by the authorities or officials of that State, of the Treaties or Conventions in force between the two countries, or of any abuse of which their fellow-citizens may have to complain, and they shall have the right to take any steps they may deem necessary in order to obtain a prompt and speedy redress.

XIX. Should any subject or citizen of either of the High Contracting Parties die within the territory of the other—his heirs being absent—the respective Consular officials shall have the right to receive, administer, and liquidate the inheritance, and remit the proceeds to the party entitled to receive the same.

XX. The present Treaty shall be in force during 20 years from the date of the exchange of the ratifications thereof. In case either of the High Contracting Parties shall not notify—12 months previous to the expiration of the period in question—its intention of causing the effects of the said Treaty to cease, it shall continue to be binding until the expiration of one year from the date of the denunciation thereof by either of the two High Contracting Parties.

XXI. The present Treaty shall be ratified according to the laws and formalities in force in each of the two countries, and it shall come into operation within the term of three months after the exchange of the said ratifications.

In witness whereof the said Plenipotentiaries have signed the same, and have affixed thereto the seal of their arms.

Done in London on the 10th March, 1876.

(L.S.) H. A. L. HAMELBERG.

(L.S.) VISCOUNT DUPRAT.

*ACT of the British Parliament, to amend the Merchant Shipping Acts. [Unseaworthy Ships. Overloading of Foreign Ships. Emigrant Ships. Grain and Deck Cargoes. Load Lines, &c.]*  
 [39 & 40 Vict., cap. 80.] — [August 15, 1876.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

*Preliminary.*

1. This Act may be cited as "The Merchant Shipping Act, 1876."

2. This Act shall be construed as one with "The Merchant Shipping Act, 1854," and the Acts amending the same; and the said Acts and this Act may be cited collectively as "The Merchant Shipping Acts, 1854 to 1876."

3. This Act shall come into operation on the 1st day of October, 1876 (which day is in this Act referred to as the commencement of this Act); nevertheless any Orders in Council and general rules under this Act may be made at any time after the passing of this Act, but shall not come into operation before the commencement of this Act.

*Unseaworthy Ships.*

4. Every person who sends or attempts to send, or is party to sending or attempting to send, a British ship to sea in such unseaworthy state that the life of any person is likely to be thereby endangered, shall be guilty of a misdemeanor, unless he proves that he used all reasonable means to insure her being sent to sea in a seaworthy state, or that her going to sea in such unseaworthy state was, under the circumstances, reasonable and justifiable, and for the purpose of giving such proof he may give evidence in the same manner as any other witness.

Every master of a British ship who knowingly takes the same to sea in such unseaworthy state that the life of any person is likely to be thereby endangered shall be guilty of a misdemeanor, unless he proves that her going to sea in such unseaworthy state was, under the circumstances, reasonable and justifiable, and for the purpose of giving such proof he may give evidence in the same manner as any other witness.

A prosecution under this section shall not be instituted except by or with the consent of the Board of Trade, or of the Governor of the British possession in which such prosecution takes place.

A misdemeanor under this section shall not be punishable upon summary conviction.

5. In every contract of service, express or implied, between the owner of a ship and the master or any seaman thereof, and in every



instrument of apprenticeship whereby any person is bound to serve as an apprentice on board any ship, there shall be implied, notwithstanding any agreement to the contrary, an obligation on the owner of the ship, that the owner of the ship and the master, and every agent charged with the loading of the ship, or the preparing thereof for sea, or the sending thereof to sea, shall use all reasonable means to insure the seaworthiness of the ship for the voyage at the time when the voyage commences, and to keep her in a seaworthy condition for the voyage during the same: Provided, that nothing in this section shall subject the owner of a ship to any liability by reason of the ship being sent to sea in an unseaworthy state where, owing to special circumstances, the so sending thereof to sea is reasonable and justifiable.

6. Where a British ship, being in any port of the United Kingdom, is, by reason of the defective condition of her hull, equipments, or machinery, or by reason of overloading or improper loading, unfit to proceed to sea without serious danger to human life, having regard to the nature of the service for which she is intended, any such ship (hereinafter referred to as "unsafe") may be provisionally detained for the purpose of being surveyed, and either finally detained or released, as follows:—

(1.) The Board of Trade, if they have reason to believe on complaint, or otherwise, that a British ship is unsafe, may provisionally order the detention of the ship for the purpose of being surveyed.

(2.) When a ship has been provisionally detained there shall be forthwith served on the master of the ship a written statement of the grounds of her detention, and the Board of Trade may, if they think fit, appoint some competent person or persons to survey the ship and report thereon to the Board.

(3.) The Board of Trade on receiving the report may either order the ship to be released or, if in their opinion the ship is unsafe, may order her to be finally detained, either absolutely, or until the performance of such conditions with respect to the execution of repairs or alterations, or the unloading or reloading of cargo, as the Board think necessary for the protection of human life, and may from time to time vary or add to any such order.

(4.) Before the order for final detention is made a copy of the report shall be served upon the master of the ship, and within seven days after such service the owner or master of the ship may appeal in the prescribed manner to the court of survey (hereinafter mentioned) for the port or district where the ship is detained.

(5.) Where a ship has been provisionally detained, the owner or master of the ship, at any time before the person appointed under this section to survey the ship makes such survey, may require that he shall be accompanied by such person as the owner or master may

select out of the list of assessors for the court of survey (nominated as hereinafter mentioned), and in such case if the surveyor and assessor agree, the Board of Trade shall cause the ship to be detained or released accordingly; but if they differ, the Board of Trade may act as if the requisition had not been made, and the owner and master shall have the like appeal touching the report of the surveyor as is before provided by this section.

(6.) Where a ship has been provisionally detained, the Board of Trade may at any time, if they think it expedient, refer the matter to the court of survey for the port or district where the ship is detained.

(7.) The Board of Trade may at any time, if satisfied that a ship detained under this Act is not unsafe, order her to be released either upon or without any conditions.

(8.) For the better execution of this section, the Board of Trade, with the consent of the Treasury, may from time to time appoint a sufficient number of fit officers, and may remove any of them.

(9.) Any officer so appointed (in this Act referred to as a detaining officer) shall have the same power as the Board of Trade have under this section of provisionally ordering the detention of a ship for the purpose of being surveyed, and of appointing a person or persons to survey her; and if he thinks that a ship so detained by him is not unsafe may order her to be released.

(10.) A detaining officer shall forthwith report to the Board of Trade any order made by him for the detention or release of a ship.

7. A court of survey for a port or district shall consist of a judge sitting with two assessors.

The judge shall be such person as may be summoned for the case in accordance with the rules made under this Act out of a list (from time to time approved for the port or district by one of Her Majesty's Principal Secretaries of State, in this Act referred to as a Secretary of State) of wreck commissioners appointed under this Act, stipendiary or metropolitan police magistrates, judges of county courts, and other fit persons; but in any special case in which the Board of Trade think it expedient to appoint a wreck commissioner, the judge shall be such wreck commissioner.

The assessors shall be persons of nautical engineering or other special skill and experience; one of them shall be appointed by the Board of Trade, either generally or in each case, and the other shall be summoned in accordance with the rules under this Act by the registrar of the court, out of a list of persons periodically nominated for the purpose by the local marine board of the port, or, if there is no such board, by a body of local shipowners or merchants approved for the purpose by a Secretary of State, or, if there is no such list, shall be appointed by the judge; if a Secretary of State thinks fit at

any time, on the recommendation of the Government of any British possession or any foreign State, to add any person or persons to any such list, such person or persons shall, until otherwise directed by the Secretary of State, be added to such list, and if there is no such list shall form such list.

The county court registrar or such other fit person as a Secretary of State may from time to time appoint shall be the registrar of the court, and shall, on receiving notice of an appeal or a reference from the Board of Trade, immediately summon the court in the prescribed manner to meet forthwith.

The name of the registrar and his office, together with the rules made under this Act relating to the court of survey, shall be published in the prescribed manner.

8. With respect to the court of survey the following provisions shall have effect :

(1.) The case shall be heard in open court ;

(2.) The judge and each assessor may survey the ship, and shall have for the purposes of this Act all the powers of an inspector appointed by the Board of Trade under "The Merchant Shipping Act, 1854 ;"

(3.) The judge may appoint any competent person or persons to survey the ship and report thereon to the court ;

(4.) The judge shall have the same power as the Board of Trade have to order the ship to be released or finally detained, but unless one of the assessors concurs in an order for the detention of the ship, the ship shall be released ;

(5.) The owner and master of the ship and any person appointed by the owner or master, and also any person appointed by the Board of Trade, may attend at any inspection or survey made in pursuance of this section ;

(6.) The judge shall send to the Board of Trade the prescribed report, and each assessor shall either sign the report or report to the Board of Trade the reasons for his dissent.

9. The Lord Chancellor of Great Britain may from time to time (with the consent of the Treasury so far as relates to fees) make, and when made revoke, alter, and add to general rules to carry into effect the provisions of this Act with respect to a court of survey, and in particular with respect to the summoning of and procedure before the court, the requiring on an appeal security for costs and damages, the amount and application of fees, and the publication of the rules.

All such rules while in force shall have effect as if enacted in this Act, and the expression "prescribed" in the provisions of this Act relating to the detention of ships or court of survey means prescribed by such rules.

10. If it appears that there [was not reasonable and probable cause, by reason of the condition of the ship or the act or default of the owner, for the provisional detention of the ship, the Board of Trade shall be liable to pay to the owner of the ship his costs of and incidental to the detention and survey of the ship, and also compensation for any loss or damage sustained by him by reason of the detention or survey.

If a ship is finally detained under this Act, or if it appears that a ship provisionally detained was, at the time of such detention, unsafe within the meaning of this Act, the owner of the ship shall be liable to pay to the Board of Trade their costs of and incidental to the detention and survey of the ship, and those costs shall, without prejudice to any other remedy, be recoverable as salvage is recoverable.

For the purposes of this Act the costs of and incidental to any proceeding before a court of survey, and a reasonable amount in respect of the remuneration of the surveyor or officer of the Board of Trade, shall be deemed to be part of the costs of the detention and survey of the ship, and any dispute as to the amount of costs under this Act may be referred to one of the masters or registrars of the Supreme Court of Judicature, who, on request made to him for that purpose by the Board of Trade, shall ascertain and certify the proper amount of such costs.

An action for any costs or compensation payable by the Board of Trade under this section may be brought against the secretary thereof by his official title as if he were a corporation sole; and if the cause of action arises in Ireland, it shall be lawful for any of the superior courts of common law in Ireland in which such action may be commenced to order that the summons or writ may be served on the Crown and Treasury Solicitor for Ireland, in such manner and on such terms as to extension of time and otherwise as to the court shall seem fit, and that such service shall be deemed good and sufficient service of such summons or writ upon the Secretary of the Board of Trade.

11. Where a complaint is made to the Board of Trade or a detaining officer that a British ship is unsafe, the Board or officer may, if they or he think fit, require the complainant to give security to the satisfaction of the Board for the costs and compensation which he may become liable to pay as hereinafter mentioned.

Provided that where the complaint is made by one-fourth, being not less than three, of the seamen belonging to the ship, and is not in the opinion of the Board or officer frivolous or vexatious, such security shall not be required, and the Board or officer shall, if the complaint is made in sufficient time before the sailing of the ship, take proper steps for ascertaining whether the ship ought to be detained under this Act.

Where a ship is detained in consequence of any complaint, and the circumstances are such that the Board of Trade are liable under this Act to pay to the owner of the ship any costs or compensation, the complainant shall be liable to pay to the Board of Trade all such costs and compensation as the Board incur or are liable to pay in respect of the detention and survey of the ship.

12. (1.) A detaining officer shall have for the purpose of his duties under this Act the same powers as an inspector appointed by the Board of Trade under "The Merchant Shipping Act, 1854."

(2.) An order for the detention of a ship, provisional or final, and an order varying the same, shall be served as soon as may be on the master of the ship.

(3.) When a ship has been detained under this Act she shall not be released by reason of her British register being subsequently closed.

(4.) For the purposes of a survey of a ship under this Act any person authorized to make the same may go on board the ship and inspect the same and every part thereof, and the machinery, equipments, and cargo, and may require the unloading or removal of any cargo, ballast, or tackle.

(5.) The provisions of "The Merchant Shipping Act, 1854," with respect to persons who wilfully impede an inspector, or disobey a requisition or order of an inspector, shall apply as if those provisions were herein enacted, with the substitution for the inspector of any judge, assessor, officer, or surveyor who under this Act has the same powers as an inspector or has authority to survey a ship.

#### *Foreign Ships, Overloading.*

18. Where a foreign ship has taken on board all or any part of her cargo at a port in the United Kingdom, and is whilst at that port unsafe by reason of overloading or improper loading, the provisions of this Act with respect to the detention of ships shall apply to that foreign ship as if she were a British ship, with the following modifications:—

(1.) A copy of the order for the provisional detention of the ship shall be forthwith served on the Consular Officer for the State to which the ship belongs at or nearest to the place where the ship is detained:

(2.) Where a ship has been provisionally detained, the Consular Officer, on the request of the owner or master of the ship, may require that the person appointed by the Board of Trade to survey the ship shall be accompanied by such person as the Consular Officer may select, and in such case, if the surveyor and such person agree, the Board of Trade shall cause the ship to be detained or released

accordingly; but if they differ, the Board of Trade may act as if the requisition had not been made, and the owner and master shall have the appeal to the court of survey touching the report of the surveyor which is before provided by this Act; and

(3.) Where the owner or master of the ship appeals to the court of survey, the Consular Officer, on the request of such owner or master, may appoint any competent person who shall be assessor in such case in lieu of the assessor who, if the ship were a British ship, would be appointed otherwise than by the Board of Trade.

In this section the expression "Consular Officer" means any Consul-General, Vice-Consul, Consular Agent, or other officer recognized by a Secretary of State as a Consular Officer of a foreign State.

*Appeal on Refusal of certain Certificates to Ships.*

14. Whereas by section 309 of "The Merchant Shipping Act, 1854,"\* and enactments amending the same, the owner of a passenger steamer as defined in that Act is required to cause the same to be surveyed by a shipwright surveyor and an engineer surveyor, and those surveyors are required to give declarations of certain particulars with respect to the sufficiency or conformity with the Act of the ship and equipments, and to the limits beyond which the ship is not fit to ply, and to the number of passengers which the ship is fit to carry, and of other particulars in the said section mentioned, and the Board of Trade, under section 312 of the same Act, issue a certificate upon such declarations, and the passenger steamer cannot lawfully proceed to sea without obtaining such certificate;

And whereas under sections 11 and 50 of "The Passengers Act, 1855,"† and the enactments amending the same, a passenger ship within the meaning of those sections (in this Act referred to as an emigrant ship) cannot lawfully proceed to sea without a certificate of clearance from an emigration officer, or other officer in those sections mentioned, showing that all the requirements of the said sections and enactments have been complied with, and that the ship is in the officer's opinion seaworthy, and that the passengers and crew are in a fit state to proceed to sea, and otherwise as therein mentioned;

And whereas by section 80 of "The Merchant Shipping Act Amendment Act, 1862,"‡ provision is made for preventing a ship from proceeding to sea in certain cases without a certificate from a surveyor or person appointed by the Board of Trade to the effect

\* Vol. XLV. Page 1347.

† 18 & 19 Vict., cap. 119.

‡ Vol. LXVI. Page 682.

that the ship is properly provided with lights, and with the means of making fog signals ;

And whereas it is expedient to give in the said cases such appeal as hereinafter mentioned : Be it therefore enacted that—

If a shipowner feels aggrieved

(1.) By a declaration of a shipwright surveyor or an engineer surveyor respecting a passenger steamer under the above-recited enactments, or by the refusal of a surveyor to give the said declaration ; or

(2.) By the refusal of a certificate of clearance for an emigrant ship under the above-recited enactments ; or

(3.) By the refusal of a certificate as to lights or fog signals under the above-recited enactment,

the owner may appeal in the prescribed manner to the court of survey for the port or district where the ship for the time being is.

On such appeal the judge of the court of survey shall report to the Board of Trade on the question raised by the appeal, and the Board of Trade, when satisfied that the requirements of the report and the other provisions of the said enactments have been complied with, may—

(1.) In the case of a passenger steamer give their certificate under section 312 of "The Merchant Shipping Act, 1854," and

(2.) In the case of an emigrant ship give, or direct the emigration or other officer to give, a certificate of clearance under the above-mentioned enactments, and

(3.) In the case of a refusal of a certificate as to lights or fog signals, give or direct a surveyor or other person appointed by them to give a certificate under section 30 of "The Merchant Shipping Act Amendment Act, 1862."

Subject to any order made by the judge of the court of survey, the costs of and incidental to an appeal under this section shall follow the event.

Subject as aforesaid, the provisions of this Act with respect to the court of survey and appeals thereto, so far as consistent with the tenour thereof, shall apply to the court of survey when acting under this section, and to appeals under this section.

Where the survey of a ship is made for the purpose of a declaration or certificate under the above-recited enactments, the person appointed to make the survey shall, if so required by the owner, be accompanied on the survey by some person appointed by the owner, and in such case, if the said two persons agree, there shall be no appeal to the court of survey in pursuance of this section.

#### *Scientific Referees.*

15. If the Board of Trade are of opinion that an appeal under

this Act involves a question of construction or design or of scientific difficulty or important principle, they may refer the matter to such one or more out of a list of scientific referees from time to time approved by a Secretary of State as may appear to possess the special qualifications necessary for the particular case, and may be selected by agreement between the Board of Trade and the appellant, or in default of any such agreement by a Secretary of State, and thereupon the appeal shall be determined by the referee or referees, instead of by the court of survey.

The Board of Trade, if the appellant in any appeal so require and give security to the satisfaction of the Board to pay the costs of and incidental to the reference, shall refer that appeal to a referee or referees so selected as aforesaid.

The referee or referees shall have the same powers as a judge of the court of survey.

*Passenger Steamers and Emigrant Ships.*

16. Any steam-ship may carry passengers not exceeding 12 in number although she has not been surveyed by the Board of Trade as a passenger steamer, and does not carry a Board of Trade certificate as provided by "The Merchant Shipping Act, 1854," with respect to passenger steamers.

17. Where the Legislature of any British Possession provides for the survey of and grant of certificates for passenger steamers, and the Board of Trade report to Her Majesty that they are satisfied that the certificates are to the like effect, and are granted after a like survey, and in such manner as to be equally efficient with the certificates granted for the same purpose in the United Kingdom under the Acts relating to Merchant Shipping, it shall be lawful for Her Majesty by Order in Council—

(1.) To declare that the said certificates shall be of the same force as if they had been granted under the said Acts; and

(2.) To declare that all or any of the provisions of the said Acts which relate to certificates granted for passenger steamers under those Acts shall, either without modification or with such modifications as to Her Majesty may seem necessary, apply to the certificates referred to in the Order; and

(3.) To impose such conditions and to make such regulations with respect to the said certificates, and to the use, delivery, and cancellation thereof, as to Her Majesty may seem fit, and to impose penalties not exceeding 50*l.* for the breach of such conditions and regulations.

18. In every case where a passenger certificate has been granted to any steamer by the Board of Trade under the provisions of "The Merchant Shipping Act, 1854," and remains still in force, it shall



not be requisite for the purposes of the employment of such steamer under the Passengers Acts that she shall be again surveyed in her hull and machinery in order to qualify her for service under "The Passengers Act, 1855," and the Acts amending the same; but for the purposes of employment under those Acts such Board of Trade certificate shall be deemed to satisfy the requirements of the Passengers Acts with respect to such survey, and any further survey of the hull and machinery shall be dispensed with, and so long as a steam-ship is an emigrant ship, that is, a passenger ship within the meaning of "The Passengers Acts, 1855," and the Acts amending the same, and the provisions contained in the said Passenger Acts as to the survey of her hull, machinery, and equipments have been complied with, she shall not be subject to the provisions of "The Merchant Shipping Act, 1854," with respect to the survey of and certificate for passenger steamers, or to the enactments amending the same.

19. Where a foreign ship is a passenger steamer subject to "The Merchant Shipping Act, 1854," and the Acts amending the same, or an emigrant ship subject to "The Passengers Act, 1855," and the Acts amending the same, and the Board of Trade are satisfied, by the production of a foreign certificate of survey attested by a British Consular Officer at the port of survey, that such ship has been officially surveyed at a foreign port, and are satisfied that the requirements of the said Acts, or any of them, are proved by such survey to have been substantially complied with, the Board may, if they think fit, dispense with any further survey of the ship in respect of the requirements so complied with, and give or direct one of their officers to give a certificate, which shall have the same effect as if given upon survey under the said Acts or any of them: Provided that Her Majesty may by Order in Council direct that this section shall not apply in the case of an official survey at any foreign port at which it appears to Her Majesty that corresponding provisions are not extended to British ships.

20. It shall be lawful for the Board of Trade, if satisfied that the food, space, accommodation, or any other particular or thing provided in an emigrant ship for any class of passengers is superior to the food, space, accommodation, or other particular or thing required by "The Passengers Act, 1855," and the Acts amending the same, to exempt such ship from any of the requirements of those Acts with respect to food, space, or accommodation, or other particular or thing, in such manner and upon such conditions as the Board of Trade may think fit.

21. Every sea-going passenger steamer and every emigrant ship shall be provided to the satisfaction of the Board of Trade—

(1.) With means for making the signals of distress at night

specified in the First Schedule to "The Merchant Shipping Act, 1873,"\* or in any rules substituted therefor, including means of making flames on the ship which are inextinguishable in water, or such other means of making signals of distress as the Board of Trade may previously approve; and

(2.) With a proper supply of lights inextinguishable in water and fitted for attachment to life-buoys.

If any such steamer or ship goes to sea from any port of the United Kingdom without being so provided as required by this section, for each default in any of the above requisites the owner shall, if he appears to be in fault, incur a penalty not exceeding 100*l.*, and the master shall, if he appears to be in fault, incur a penalty not exceeding 50*l.*

#### *Grain Cargoes.*

22.† No cargo of which more than one-third consists of any kind of grain, corn, rice, paddy, pulse, seeds, nuts, or nut kernels, hereinafter referred to as "grain cargo," shall be carried on board any British ship, unless such grain cargo be contained in bags, sacks, or barrels, or secured from shifting by boards, bulkheads, or otherwise.

If the managing owner or master of any British ship, or any agent of such owner who is charged with the loading of the ship or the sending her to sea, knowingly allows any grain cargo or part of a grain cargo to be shipped therein for carriage contrary to the provisions of this section, he shall for every such offence incur a penalty not exceeding 300*l.*, to be recovered upon summary conviction.

#### *Deck Cargoes.*

23. If any ship, British or foreign, other than home trade ships as defined by "The Merchant Shipping Act, 1854," carries as deck cargo, that is to say, in any uncovered space upon deck, or in any covered space not included in the cubical contents forming the ship's registered tonnage, timber, stores, or other goods, all dues payable on the ship's tonnage shall be payable as if there were added to the ship's registered tonnage the tonnage of the space occupied by such goods at the time at which such dues become payable.

The space so occupied shall be deemed to be the space limited by the area occupied by the goods and by straight lines inclosing a rectangular space sufficient to include the goods.

The tonnage of such space shall be ascertained by an officer of the Board of Trade or of Customs, in manner directed by sub-

\* Vol. LXV. Page 594.

† Repealed by Act 43 & 44 Vict., cap. 43.

section 4 of section 21 of "The Merchant Shipping Act, 1854," and when so ascertained shall be entered by him in the ship's official log-book, and also in a memorandum which he shall deliver to the master, and the master shall, when the said dues are demanded, produce such memorandum in like manner as if it were the certificate of registry, or, in the case of a foreign ship, the document equivalent to a certificate of registry, and in default shall be liable to the same penalty as if he had failed to produce the said certificate or document.

24. After the 1st day of November, 1876, if a ship, British or foreign, arrives between the last day of October and the 16th day of April in any year at any port in the United Kingdom from any port out of the United Kingdom, carrying as deck cargo, that is to say, in any uncovered space upon deck, or in any covered space not included in the cubical contents forming the ship's registered tonnage, any wood goods coming within the following descriptions, that is to say:

(a.) Any square, round, waney, or other timber, or any pitch pine, mahogany, oak, teak, or other heavy wood goods whatever; or

(b.) Any more than five spare spars or store spars, whether or not made, dressed, and finally prepared for use; or

(c.) Any deals, battens, or other light wood goods of any description to a height exceeding three feet above the deck;

the master of the ship, and also the owner, if he is privy to the offence, shall be liable to a penalty not exceeding 5*l.* for every hundred cubic feet of wood goods carried in contravention of this section, and such penalty may be recovered by action or on indictment, or to an amount not exceeding 100*l.* (whatever may be the maximum penalty recoverable) on summary conviction.

Provided that a master or owner shall not be liable to any penalty under this section—

(1.) In respect of any wood goods which the master has considered it necessary to place or keep on deck during the voyage on account of the springing of any leak, or of any other damage to the ship received or apprehended; or

(2.) If he proves that the ship sailed from the port at which the wood goods were loaded as deck cargo at such time before the last day of October as allowed a sufficient interval, according to the ordinary duration of the voyage, for the ship to arrive before that day at the said port in the United Kingdom, but was prevented from so arriving by stress of weather or circumstances beyond his control; or

(3.) If he proves that the ship sailed from the port at which the wood goods were loaded as deck cargo at such time before the 16th day of April as allowed a reasonable interval, according to the

ordinary duration of the voyage, for the ship to arrive after that day at the said port in the United Kingdom, and by reason of an exceptionally favourable voyage arrived before that day.

Provided further, that nothing in this section shall affect any ship not bound to any port in the United Kingdom which comes into any port of the United Kingdom under stress of weather, or for repairs, or for any other purpose than the delivery of her cargo.

*Deck and Load Lines.*

25. Every British ship (except ships under 80 tons register employed solely in the coasting trade, ships employed solely in fishing, and pleasure yachts) shall be permanently and conspicuously marked with lines of not less than 12 inches in length and 1 inch in breadth, painted longitudinally on each side amidships, or as near thereto as is practicable, and indicating the position of each deck which is above water.

The upper edge of each of these lines shall be level with the upper side of the deck plank next the waterway at the place of marking.

The lines shall be white or yellow on a dark ground, or black on a light ground.

26. With respect to the marking of a load-line on British ships, the following provisions shall have effect :

(1.) The owner of every British ship (except ships under 80 tons register employed solely in the coasting trade, ships employed solely in fishing, and pleasure yachts) shall, before entering his ship outwards from any port in the United Kingdom upon any voyage for which he is required so to enter her, or, if that is not practicable, as soon after as may be, mark upon each of her sides amidships, or as near thereto as is practicable, in white or yellow on a dark ground, or in black on a light ground, a circular disc 12 inches in diameter, with a horizontal line 18 inches in length drawn through its centre.

(2.) The centre of this disc shall indicate the maximum load-line in salt water to which the owner intends to load the ship for that voyage.

(3.) He shall also, upon so entering her, insert in the form of entry delivered to the collector or other principal officer of Customs a statement in writing of the distance in feet and inches between the centre of this disc and the upper edge of each of the lines indicating the position of the ship's decks which is above that centre.

(4.) If default is made in delivering this statement in the case of any ship, any officer of Customs may refuse to enter the ship outwards.

(5.) The master of the ship shall enter a copy of this statement in the agreement with the crew before it is signed by any member of

the crew, and no superintendent of any mercantile marine office shall proceed with the engagement of the crew until this entry is made.

(6.) The master of the ship shall also enter a copy of this statement in the official log-book.

(7.) When a ship has been marked as by this section required, she shall be kept so marked until her next return to a port of discharge in the United Kingdom.

27. With respect to the marking of a load-line on British ships employed in the coasting trade, the following provisions shall have effect:

(1.) The owner of every British ship employed in the coasting trade on the coasts of the United Kingdom (except ships under 80 tons register employed solely in that trade) shall, before proceeding to sea from any port, mark upon each of her sides amidships, or as near thereto as is practicable, in white or yellow on a dark ground, or in black on a light ground, a circular disc 12 inches in diameter, with a horizontal line 18 inches in length drawn through its centre.

(2.) The centre of this disc shall indicate the maximum load-line in salt water to which the owner intends to load the ship, until notice is given of an alteration.

(3.) He shall also once in every 12 months, immediately before the ship proceeds to sea, send or deliver to the collector or other principal officer of Customs of the port of registry of the ship a statement in writing of the distance in feet and inches between the centre of the disc and the upper edge of each of the lines indicating the position of the ship's decks which is above that centre.

(4.) The owner, before the ship proceeds to sea after any renewal or alteration of the disc, shall send or deliver to the collector or other principal officer of Customs of the port of registry of the ship notice in writing of such renewal or alteration, together with such statement in writing as before mentioned of the distance between the centre of the disc and the upper edge of each of the deck-lines.

(5.) If default is made in sending or delivering any notice or statement required by this section to be sent or delivered, the owner shall be liable to a penalty not exceeding 100*l*.

(6.) When a ship has been marked as by this section required, she shall be kept so marked until notice is given of an alteration.

28. Any owner or master of a British ship who neglects to cause his ship to be marked as by this Act required, or to keep her so marked, or who allows the ship to be so loaded as to submerge in salt water the centre of the disc, and any person who conceals removes, alters, defaces, or obliterates, or suffers any person under his control to conceal, remove, alter, deface, or obliterate any of the said marks, except in the event of the particulars thereby denoted

being lawfully altered, or except for the purpose of escaping capture by an enemy, shall for each offence incur a penalty not exceeding 100*l*.

If any of the marks required by this Act is in any respect inaccurate, so as to be likely to mislead, the owner of the ship shall incur a penalty not exceeding 100*l*.

*Investigations into Shipping Casualties.*

29. For the purpose of rendering investigations into shipping casualties more speedy and effectual, it shall be lawful for the Lord High Chancellor of Great Britain to appoint from time to time some fit person or persons to be a wreck commissioner or wreck commissioners for the United Kingdom, so that there shall not be more than three such commissioners at any one time, and to remove any such wreck commissioner; and in case it shall become necessary to appoint a wreck commissioner in Ireland the Lord Chancellor of Ireland shall have the appointment and the power of removal of such wreck commissioner.

It shall be the duty of a wreck commissioner, at the request of the Board of Trade, to hold any formal investigation into a loss, abandonment, damage, or casualty (in this Act called a shipping casualty) under the eighth part of "The Merchant Shipping Act, 1854," and for that purpose he shall have the same jurisdiction and powers as are thereby conferred on two justices, and all the provisions of "The Merchant Shipping Acts, 1854 to 1876," with respect to investigations conducted under the eighth part of "The Merchant Shipping Act, 1854," shall apply to investigations held by a wreck commissioner.

30. The wreck commissioner, justices, or other authority holding a formal investigation into a shipping casualty, shall hold the same with the assistance of an assessor or assessors of nautical engineering or other special skill or knowledge, to be appointed by the commissioner, justices, or authority out of a list of persons for the time being approved for the purpose by a Secretary of State.

The commissioner, justices, or authority when of opinion that the investigation is likely to involve the cancellation or suspension of the certificate of a master or mate, shall, where practicable, appoint a person having experience in the merchant service to be one of the assessors.

Each assessor shall either sign the report made on the investigation, or report to the Board of Trade his reasons for his dissent therefrom.

The Lord High Chancellor of Great Britain may from time to time, with the consent of the Treasury so far as relates to fees, make, and when made revoke, alter, and add to general rules for

carrying into effect the enactments relating to formal investigations into shipping casualties, and in particular with respect to the summoning of assessors, the procedure, the parties, the persons allowed to appear, the notice to such parties and persons or to persons affected, and the amount and application of fees.

All such rules, while in force, shall have effect as if enacted in this Act.

Every formal investigation into a shipping casualty shall be conducted in such manner that if a charge is made against any person that person shall have an opportunity of making a defence.

31. A wreck commissioner may, at the request of the Board of Trade, by himself, or by some deputy approved by the Board of Trade, institute the same examination as a receiver of wreck under section 448 of "The Merchant Shipping Act, 1854," and shall for that purpose have the powers by that section conferred on a receiver of wreck.

32. In the following cases—

(1.) Whenever any ship on or near the coasts of the United Kingdom, or any British ship elsewhere, has been stranded or damaged, and any witness is found at any place in the United Kingdom, or

(2.) Whenever a British ship has been lost, or is supposed to have been lost, and any evidence can be obtained in the United Kingdom as to the circumstances under which she proceeded to sea or was last heard of,

the Board of Trade (without prejudice to any other powers) may, if they think fit, cause an inquiry to be made or formal investigation to be held, and all the provisions of "The Merchant Shipping Acts, 1854 to 1876," shall apply to any such inquiry or investigation as if it had been made or held under the eighth part of "The Merchant Shipping Act, 1854."

33. A formal investigation into a shipping casualty may be held at any place appointed in that behalf by the Board of Trade, and all enactments relating to the authority holding the investigation shall, for the purpose of the investigation, have effect as if the place so appointed were a place appointed for the exercise of the ordinary jurisdiction of that authority.

#### *Miscellaneous.*

34. Where under "The Merchant Shipping Acts, 1854 to 1876," or any of them, a ship is authorized or ordered to be detained, any commissioned officer on full pay in the naval or military service of Her Majesty, or any officer of the Board of Trade or Customs, or any British Consular Officer may detain the ship, and if the ship after such detention, or after service on the master of any notice of

or order for such detention, proceeds to sea before it is released by competent authority, the master of the ship, and also the owner, and any person who sends the ship to sea, if such owner or person be party or privy to the offence, shall forfeit and pay to Her Majesty a penalty not exceeding 100*l*.

Where a ship so proceeding to sea takes to sea when on board thereof in the execution of his duty any officer authorized to detain the ship, or any surveyor or officer of the Board of Trade or Customs, the owner and master of the ship shall each be liable to pay all expenses of and incidental to the officer or surveyor being so taken to sea, and also a penalty not exceeding 100*l*., or, if the offence is not prosecuted in a summary manner, not exceeding 10*l*. for every day until the officer or surveyor returns, or until such time as would enable him after leaving the ship to return to the port from which he is taken, and such expenses may be recovered in like manner as the penalty.

35. Where any order, notice, statement, or document requires, for the purpose of any provision of this Act, to be served on the master of a ship, the same shall be served, where there is no master, and the ship is in the United Kingdom, on the managing owner of the ship, or if there is no managing owner, on some agent of the owner residing in the United Kingdom, or where no such agent is known or can be found, by affixing a copy thereof to the mast of the ship.

Any such order, notice, statement, or document may be served by delivering a copy thereof personally to the person to be served, or by leaving the same at his last place of abode, or in the case of a master by leaving it for him on board the ship with the person being or appearing to be in command or charge of such ship.

Any person who obstructs the service of any order, notice, statement, or document on the master of a ship shall incur a penalty not exceeding 10*l*., and if the owner or master of the ship is party or privy to such obstruction he shall be guilty of a misdemeanor.

36. The name and address of the managing owner for the time being of every British ship registered at any port or place in the United Kingdom shall be registered at the Custom-house of the ship's port of registry.

Where there is not a managing owner there shall be so registered the name of the ship's husband or other person to whom the management of the ship is entrusted by or on behalf of the owner ; and any person whose name is so registered shall, for the purposes of "The Merchant Shipping Acts, 1854 to 1876," be under the same obligations, and subject to the same liabilities, as if he were the managing owner.

If default is made in complying with this section the owner shall be liable, or if there be more owners than one each owner shall be



liable in proportion to his interest in the ship, to a penalty not exceeding in the whole 100*l.* each time the ship leaves any port in the United Kingdom.

37. Whenever it has been made to appear to Her Majesty that the Government of any Foreign State is desirous that any of the provisions of "The Merchant Shipping Acts, 1854 to 1876," or of any Act hereafter to be passed amending the same, shall apply to the ships of such State, Her Majesty may by Order in Council declare that such of the said provisions as are in such Order specified shall (subject to the limitations, if any, contained in the Order) apply, and thereupon, so long as the Order remains in force, such provisions shall apply (subject to the said limitations) to the ships of such State, and to the owners, masters, seamen, and apprentices of such ships, when not locally within the jurisdiction of such State, in the same manner in all respects as if such ships were British ships.

38. Where Her Majesty has power under "The Merchant Shipping Act, 1854," or any Act passed or hereafter to be passed amending the same, to make an Order in Council, it shall be lawful for Her Majesty from time to time to make such Order in Council, and by Order in Council to revoke, alter, or add to any Order so made.

Every such Order in Council shall be published in the "London Gazette," and shall be laid before both Houses of Parliament within one month after it is made, if Parliament be then sitting, or if not, within one month after the then next meeting of Parliament.

Upon the publication of any such Order in the "London Gazette," the Order shall, after the date of such publication, or any later date mentioned in the Order, take effect as if it were enacted by Parliament.

39. On and after the 1st day of January, 1877, all fees payable in respect of the survey or measurement of ships under "The Merchant Shipping Acts, 1854 to 1876," or in respect of any services performed by any person employed under the authority of "The Passengers Act," 1855, shall continue to be paid to the superintendent of a mercantile marine office at such times and in such manner as the Board of Trade from time to time direct, but shall be paid into the receipt of Her Majesty's Exchequer, in such manner as the Treasury from time to time direct, and shall be carried to and form part of the Consolidated Fund of the United Kingdom.

On and after the same day the salaries of all surveyors appointed under "The Merchant Shipping Acts, 1854 to 1876," and so much of the expenses connected with the survey and measurement of ships under those Acts, and of the salaries and expenses of persons employed under "The Passengers Act, 1855," as has heretofore been paid out of the Mercantile Marine Fund, shall be paid out of

moneys provided by Parliament, and the Treasury shall have the like control over such salaries and expenses as has heretofore been vested in the Board of Trade.

There may be paid out of moneys provided by Parliament, to any wreck commissioner, judge of a court of survey, assessor, registrar of a court of survey, detaining officer, scientific referee, and other officer or person appointed under this Act, such salary or remuneration (if any) as the Treasury from time to time direct.

There may be paid out of moneys provided by Parliament all costs and compensation payable by the Board of Trade in pursuance of this Act.

40. For the purpose of punishment, jurisdiction, and legal proceedings an offence under this Act shall be deemed to be an offence under "The Merchant Shipping Act, 1854."

41. In the application of this Act to Scotland,—

The provision with respect to a prosecution not being instituted except by or with the consent of the Board of Trade shall not apply.

"Judge of a county court" shall be deemed to include a sheriff and sheriff substitute, and

"Registrar of a county court" shall be deemed to include sheriff clerk, and

"A master of the Supreme Court of Judicature" shall mean the Queen's and Lord Treasurer's Remembrancer.

42. In the application of this Act to Ireland,—

"Judge of a county court" shall be deemed to include "chairman of a county" and "the recorder of any borough";

"Registrar of a county court" shall be deemed to include the clerk of the peace or registrar or other person discharging the duties of registrar of the court, of the chairman of a county, or the recorder of a borough;

"Stipendiary magistrate" shall be deemed to include any of the justices of the peace in Dublin metropolis and any resident magistrate; and

"A master of the Supreme Court of Judicature" shall mean one of the masters of the Superior Courts of Common Law in Ireland.

43. In the application of this Act to the Isle of Man,—

"Judge of a county court" shall mean the water bailiff;

"Stipendiary magistrate" shall mean a high bailiff;

"Registrar of a county court" shall mean a clerk to a deemster or a clerk to justices of the peace;

"A master of the Supreme Court of Judicature" shall mean the clerk of the rolls.

44. Nothing in this Act shall apply to any vessel employed exclusively in trading or going from place to place in any river or  
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inland water of which the whole or part is in any British possession, and the provisions of this Act relating to deck cargo shall not apply to deck cargo carried by a ship while engaged in the coasting trade of any British possession.

### *Repeal.*

45. On and from the commencement of this Act, the Acts specified in the first part of the Schedule hereto, and on and from the 1st day of January, 1877, the Acts specified in the second part of the Schedule hereto, shall be repealed to the extent in the third column of that Schedule mentioned: Provided that any officer appointed in pursuance of any such enactment shall be deemed to have been appointed under this Act, and any Order in Council made in pursuance of any such enactment shall be deemed to have been made under this Act, and this repeal shall not affect—

(1.) Anything done or suffered under any enactment hereby repealed; nor

(2.) Any right, power, duty, obligation, or liability acquired, imposed, accrued, or incurred under any enactment hereby repealed; nor

(3.) Any penalty or punishment incurred in respect of any offence against any enactment hereby repealed; nor

(4.) Any legal proceeding in respect of any such right, power, duty, obligation, liability, penalty, or punishment, and any such legal proceeding may be carried on as if this Act had not passed.

### SCHEDULE.

#### *PART I.—Enactments repealed from commencement of Act.*

Session and Chapter.	Title.	Extent of Repeal.
17 & 18 Vict., c. 104.	The Merchant Shipping Act, 1854.*	Sub-section (4) of section 301; so much of section 318 as requires the owner of a ship to transmit the declarations therein mentioned; section 434; and section 437 from "and in case he so requires" inclusive to the end of section; and section 449.
34 & 35 Vict., c. 110	The Merchant Shipping Act, 1871.†	Section 11.
36 & 37 Vict., c. 85	The Merchant Shipping Act, 1873.‡	Sections 11, 12, 13, and 14.
38 & 39 Vict., c. 88	The Merchant Shipping Act, 1875.	The whole Act.

\* Vol. XLV. Page 1347.

† Vol. LXVI. Page 716.

‡ Vol. LXV. Page 504.

PART II.—*Enactments repealed from 1st January, 1877.*

Session and Chapter.	Title.	Extent of Repeal.
17 & 18 Vict., c. 104	The Merchant Shipping Act, 1854.*	Sub-section (2) of section 418.
25 & 26 Vict., c. 73	The Merchant Shipping Act, 1872.†	Section 14.

*MESSAGE of the President of the United States, on the Opening of Congress.—Washington, December 5, 1876.*

TO THE SENATE AND HOUSE OF REPRESENTATIVES:

IN submitting my eighth and last annual Message to Congress, it seems proper that I should refer to, and in some degree recapitulate, the events and official acts of the past eight years.

It was my fortune, or misfortune, to be called to the office of Chief Executive without any previous political training. From the age of 17 I had never even witnessed the excitement attending a Presidential campaign but twice antecedent to my own candidacy, and at but one of them was I eligible as a voter.

Under such circumstances it is but reasonable to suppose that errors of judgment must have occurred. Even had they not, differences of opinion between the Executive, bound by an oath to the strict performance of his duties, and writers and debaters must have arisen. It is not necessarily evidence of blunder on the part of the Executive because there are these differences of views. Mistakes have been made, as all can see, and I admit; but it seems to me oftener in the selections made of the assistants appointed to aid in carrying out the various duties of administering the Government—in nearly every case selected without a personal acquaintance with the appointee, but upon recommendations of the Representatives chosen directly by the people. It is impossible where so many trusts are to be allotted, that the right parties should be chosen in every instance. History shows that no Administration, from the time of Washington to the present, has been free from these mistakes. But I leave comparisons to history, claiming only that I have acted in every instance from a conscientious desire to do what was right, constitutional within the law, and for the very best interests of the whole people. Failures have been errors of judgment, not of intent.

My civil career commenced, too, at a most critical and difficult time. Less than four years before, the country had emerged from a

\* Vol. XLV. Page 1247.

† Vol. LXVI. Page 720.

conflict such as no other nation had ever survived. Nearly one-half of the States had revolted against the Government, and of those remaining faithful to the Union a large percentage of the population sympathized with the rebellion and made an "enemy in the rear," almost as dangerous as the more honourable enemy in the front. The latter committed errors of judgment, but they maintained them openly and courageously; the former received the protection of the Government they would see destroyed, and reaped all the pecuniary advantage to be gained out of the then existing state of affairs, many of them by obtaining contracts and by swindling the Government in the delivery of their goods.

Immediately on the cessation of hostilities, the then noble President, who had carried the country so far through its perils, fell a martyr to his patriotism at the hands of an assassin.

The intervening time to my first inauguration was filled up with wranglings between Congress and the new Executive as to the best mode of "reconstruction," or, to speak plainly, as to whether the control of the Government should be thrown immediately into the hands of those who had so recently and persistently tried to destroy it, or whether the victors should continue to have an equal voice with them in this control. Reconstruction, as finally agreed upon, means this, and only this, except that the late slave was enfranchised, giving an increase, as was supposed, to the Union-loving and Union-supporting votes. If *free*, in the full sense of the word, they would not disappoint this expectation. Hence, at the beginning of my first administration, the work of reconstruction—much embarrassed by the long delay—virtually commenced. It was the work of the legislative branch of the Government. My province was wholly in approving their acts, which I did most heartily, urging the Legislatures of States that had not yet done so to ratify the fifteenth amendment to the Constitution. The country was labouring under an enormous debt, contracted in the suppression of rebellion, and taxation was so oppressive as to discourage production. Another danger also threatened us—a foreign war. The last difficulty had to be adjusted, and was adjusted, without a war, and in a manner highly honourable to all parties concerned. Taxes have been reduced within the last seven years nearly 300,000,000 dollars, and the national debt has been reduced in the same time over 435,000,000 dollars. By refunding the Six per cent. Bonded Debt for bonds bearing 5 and  $4\frac{1}{2}$  per cent. interest respectively, the annual interest has been reduced from over 130,000,000 dollars in 1869 to but little over 100,000,000 dollars in 1876. The balance of trade has been changed from over 130,000,000 dollars against the United States in 1869 to more than 120,000,000 dollars in our favour in 1876.

It is confidently believed that the balance of trade in favour of

the United States will increase, not diminish, and that the pledge of Congress to resume specie payments in 1879 will be easily accomplished, even in the absence of much desired legislation on the subject.

A policy has been adopted toward the Indian tribes inhabiting a large portion of the territory of the United States which has been humane, and has substantially ended Indian hostilities in the whole land, except in a portion of Nebraska, and Dakota, Wyoming, and Montana Territories—the Black Hills region and approaches thereto. Hostilities there have grown out of the avarice of the white man, who has violated our treaty stipulations in his search for gold. The question might be asked why the Government has not enforced obedience to the terms of the Treaty prohibiting the occupation of the Black Hills region by whites. The answer is simple: the first immigrants to the Black Hills were removed by troops, but rumours of rich discoveries of gold took into that region increased numbers. Gold has actually been found in paying quantity, and an effort to remove the miners would only result in the desertion of the bulk of the troops that might be sent there to remove them. All difficulty in this matter has, however, been removed—subject to the approval of Congress—by a Treaty ceding the Black Hills and approaches to settlement by citizens.

The subject of Indian policy and treatment is so fully set forth by the Secretary of the Interior and the Commissioner of Indian Affairs, and my views so fully expressed therein, that I refer to their reports and recommendations as my own.

The relations of the United States with foreign Powers continue on a friendly footing.

Questions have arisen from time to time in the foreign relations of the Government, but the United States have been happily free during the past year from the complications and embarrassments which have surrounded some of the foreign Powers.

The diplomatic correspondence submitted herewith contains information as to certain of the matters which have occupied the Government.

The cordiality which attends our relations with the Powers of the earth has been plainly shown by the general participation of foreign nations in the Exhibition which has just closed, and by the exertions made by distant Powers to show their interest in and friendly feelings toward the United States in the commemoration of the centennial of the nation. The Government and people of the United States have not only fully appreciated this exhibition of kindly feeling, but it may be justly and fairly expected that no small benefits will result both to ourselves and other nations from a better acquaintance, and a better appreciation of our mutual advantages and mutual wants.

Congress at its last session saw fit to reduce the amount usually appropriated for foreign intercourse by withholding appropriations for Representatives of the United States in certain foreign countries, and for certain Consular Officers, and by reducing the amounts usually appropriated for certain other Diplomatic posts, and thus necessitating a change in the grade of the Representatives. For these reasons, immediately upon the passage of the Bill making appropriations for the Diplomatic and Consular Service for the present fiscal year, instructions were issued to the Representatives of the United States at Bolivia, Ecuador, and Colombia, and to the Consular Officers for whom no appropriation had been made, to close their respective Legations and Consulates, and cease from the performance of their duties; and in like manner steps were immediately taken to substitute *Chargés d'Affaires* for Ministers Resident in Portugal, Denmark, Greece, Switzerland, and Paraguay.

While thoroughly impressed with the wisdom of sound economy in the foreign service as in other branches of the Government, I cannot escape the conclusion that in some instances the withholding of appropriations will prove an expensive economy, and that the small retrenchments secured by a change of grade in certain Diplomatic posts is not an adequate consideration for the loss of influence and importance which will attend our foreign Representatives under this reduction. I am of the opinion that a re-examination of the subject will cause a change in some instances in the conclusions reached on these subjects at the last session of Congress.

The Court of Commissioners of Alabama Claims, whose functions were continued by an Act of the last session of Congress until the 1st day of January, 1877, has carried on its labours with diligence and general satisfaction. By a report from the Clerk of the Court, transmitted herewith, bearing date November 14, 1876, it appears that within the time now allowed by law the Court will have disposed of all the claims presented for adjudication. This report also contains a statement of the general results of the labours of the Court to the date thereof. It is a cause of satisfaction that the method adopted for the satisfaction of the classes of claims submitted to the Court, which are of long standing and justly entitled to early consideration, should have proved successful and acceptable.

It is with satisfaction that I am enabled to state that the work of the Joint Commission for determining the boundary line between the United States and British Possessions from the north-west angle of the Lake of the Woods to the Rocky Mountains, commenced in 1872, has been completed. The final agreements of the Commissioners, with the maps, have been duly signed, and the work of the Commission is complete.

The fixing of the boundary upon the Pacific coast by the Protocol

of March 10, 1873,\* pursuant to the award of the Emperor of Germany by Article XXXIV of the Treaty of Washington, with the termination of the work of this Commission, adjusts and fixes the entire boundary between the United States and the British Possessions, except as to the portion of territory ceded by Russia to the United States under the Treaty of 1867.† The work entrusted to the Commissioner and the officers of the army attached to the Commission has been well and satisfactorily performed. The original of the final agreement of the Commissioners, signed upon the 29th of May, 1876, with the original "list of astronomical stations observed," the original official "list of monuments marking the international boundary line," and the maps, records, and general reports relating to the Commission, have been deposited in the Department of State. The official report of the Commissioner on the part of the United States, with the report of the Chief Astronomer of the United States, will be submitted to Congress within a short time.

I reserve for a separate communication to Congress a statement of the condition of the questions which lately arose with Great Britain respecting the surrender of fugitive criminals under the Treaty of 1842.

The Ottoman Government gave notice, under date of January 15, 1874, of its desire to terminate the Treaty of 1862,‡ concerning commerce and navigation, pursuant to the provisions of the 22nd Article thereof. Under this notice the Treaty terminated upon the 5th day of June, 1876. That Government has invited negotiations toward the conclusion of a new Treaty.

By the Act of Congress of March 23, 1874, the President was authorized, when he should receive satisfactory information that the Ottoman Government or that of Egypt had organized new Tribunals likely to secure to citizens of the United States the same impartial justice enjoyed under the exercise of judicial functions by Diplomatic and Consular Officers of the United States, to suspend the operation of the Act of June 22, 1860,§ and to accept for citizens of the United States the jurisdiction of the new Tribunals. Satisfactory information having been received of the organization of such new Tribunals in Egypt, I caused a Proclamation to be issued upon the 27th of March last, suspending the operation of the Act of June 22, 1860, in Egypt, according to the provisions of the Act. A copy of the Proclamation accompanies this Message. The United States has united with the other Powers in the organization of these Courts. It is hoped that the jurisdictional questions which have arisen may be readily adjusted, and that this advance in judicial reform may be hindered by no obstacles.

\* Vol. LXIII. Page 354.

† Vol. LVII. Page 453.

‡ Vol. LIII. Page 721.

§ Page 603.



The necessary legislation to carry into effect the Convention respecting commercial reciprocity concluded with the Hawaiian Islands in 1875,\* having been had, the Proclamation to carry into effect the Convention as provided by the Act approved August 15, 1876, was duly issued upon the 9th day of September last. A copy thereof accompanies this Message.

The commotions which have been prevalent in Mexico for some time past, and which unhappily seem to be not yet wholly quieted, have led to complaints of citizens of the United States of injuries by persons in authority. It is hoped, however, that these will ultimately be adjusted to the satisfaction of both Governments. The frontier of the United States in that quarter has not been exempt from acts of violence by citizens of one Republic on those of the other. The frequency of these is supposed to be increased and their adjustment made more difficult by the considerable changes in the course of the lower part of the Rio Grande River, which river is a part of the boundary between the two countries. These changes have placed on either side of that river portions of land which by existing Conventions belong to the jurisdiction of the Government on the opposite side of the river. The subject of adjustment of this cause of difficulty is under consideration between the two Republics.

The Government of the United States of Colombia has paid the award in the case of the steamer *Montijo*,† seized by the authorities of that Government some years since, and the amount has been transferred to the claimants.

It is with satisfaction that I am able to announce that the Joint Commission for the adjustment of claims between the United States and Mexico, under the Convention of 1868,‡ the duration of which has been several times extended, has brought its labours to a close. From the report of the Agent of the United States, which accompanies the papers transmitted herewith, it will be seen that within the time limited by the Commission 1,017 claims on the part of citizens of the United States against Mexico were referred to the Commission. Of these claims 881 were dismissed or disallowed, and in 186 cases awards were made in favour of the claimants against the Mexican Republic, amounting in the aggregate to 4,125,622 dollars 20 cents. Within the same period 998 claims on the part of citizens of the Mexican Republic against the United States were referred to the Commission. Of these claims 831 were dismissed or disallowed; and in 167 cases awards were made in favour of the claimants against the United States, amounting in the aggregate to 150,498 dollars 41 cents.

\* Vol. LXVI. Page 112.

† Vol. LXVI. Page 402.

‡ Vol. LXI. Page 95.

By the terms of the Convention the amount of these awards is to be deducted from the amount awarded in favour of our citizens against Mexico, and the balance only to be paid by Mexico to the United States, leaving the United States to make provision for this proportion of the awards in favour of its own citizens.

I invite your attention to the legislation which will be necessary to provide for the payment.

In this connection I am pleased to be able to express the acknowledgments due to Sir Edward Thornton, the Umpire of the Commission, who has given to the consideration of the large number of claims submitted to him much time, unwearied patience, and that firmness and intelligence which are well known to belong to the accomplished Representative of Great Britain, and which are likewise recognized by the Representative in this country of the Republic of Mexico.

Monthly payments of a very small part of the amount due by the Government of Venezuela to citizens of the United States on account of claims of the latter against that Government continue to be made with reasonable punctuality. That Government has proposed to change the system which it has hitherto pursued in this respect, by issuing bonds for part of the amount of the several claims. The proposition, however, could not, it is supposed, properly be accepted, at least without the consent of the holders of certificates of the indebtedness of Venezuela. These are so much dispersed that it would be difficult, if not impossible, to ascertain their disposition on the subject.

In former Messages I have called the attention of Congress to the necessity of legislation with regard to fraudulent naturalization and to the subject of expatriation and the election of nationality.

The numbers of persons of foreign birth seeking a home in the United States, the ease and facility with which the honest emigrant may after the lapse of a reasonable time become possessed of all the privileges of citizenship of the United States, and the frequent occasions which induce such adopted citizens to return to the country of their birth, render the subject of naturalization and the safeguards which experience has proved necessary for the protection of the honest naturalized citizen of paramount importance. The very simplicity in the requirements of law on this question affords opportunity for fraud, and the want of uniformity in the proceedings and records of the various Courts, and in the forms of the certificates of naturalization issued, affords a constant source of difficulty.

I suggest no additional requirements to the acquisition of citizenship beyond those now existing, but I invite the earnest attention of Congress to the necessity and wisdom of some pro-

visions regarding uniformity in the records and certificates, and providing against the frauds which frequently take place, and for the vacating of a record of naturalization obtained in fraud.

These provisions are needed in aid and for the protection of the honest citizen of foreign birth, and for the want of which he is made to suffer not infrequently. The United States has insisted upon the right of expatriation, and has obtained after a long struggle an admission of the principle contended for by acquiescence therein on the part of many foreign Powers, and by the conclusion of Treaties on that subject. It is, however, but justice to the Government to which such naturalized citizens have formerly owed allegiance, as well as to the United States, that certain fixed and definite rules should be adopted governing such cases and providing how expatriation may be accomplished.

While emigrants in large numbers become citizens of the United States, it is also true that persons, both native-born and naturalized, once citizens of the United States, either by formal acts or as the effect of a series of facts and circumstances, abandon their citizenship and cease to be entitled to the protection of the United States, but continue on convenient occasions to assert a claim to protection in the absence of provisions on these questions.

And in this connection I again invite your attention to the necessity of legislation concerning the marriages of American citizens contracted abroad, and concerning the status of American women who may marry foreigners, and of children born of American parents in a foreign country.

The delicate and complicated questions continually occurring with reference to naturalization, expatriation, and the status of such persons as I have above referred to, induce me to earnestly direct your attention again to these subjects.

In like manner I repeat my recommendation that some means be provided for the hearing and determination of the just and subsisting claims of aliens upon the Government of the United States within a reasonable limitation, and of such as may hereafter arise. While, by existing provisions of law, the Court of Claims may in certain cases be resorted to by an alien claimant, the absence of any general provisions governing all such cases, and the want of a tribunal skilled in the disposition of such cases upon recognized fixed and settled principles, either provides no remedy in many deserving cases or compels a consideration of such claims by Congress or the Executive Department of the Government.

It is believed that other Governments are in advance of the United States upon this question, and that the practice now adopted is entirely unsatisfactory.

Congress, by an Act approved the 3rd day of March, 1875, autho-

rized the inhabitants of the territory of Colorado to form a State Government, with the name of the State of Colorado, and therein provided for the admission of the said State, when formed, into the Union, upon an equal footing with the original States.

A Constitution having been adopted and ratified by the people of that State, and the Acting Governor having certified to me the facts as provided by the said Act, together with a copy of such constitution and ordinances as provided for in the said Act, and the provisions of the said Act of Congress having been duly complied with, I issued a Proclamation upon the 1st of August, 1876, a copy of which is hereto annexed.

The Report of the Secretary of War shows that the army has been actively employed during the year in subduing, at the request of the Indian Bureau, certain wild bands of the Sioux Indian nation and in preserving the peace at the South during the election.

The Commission constituted under the Act of July 24, 1876, to consider and report on the "whole subject of the reform and reorganization of the army" met in August last, and has collected a large mass of statistics and opinions bearing on the subject before it. These are now under consideration, and their Report is progressing. I am advised, though, by the President of the Commission that it will be impracticable to comply with the clause of the Act requiring the Report to be presented, through me, to Congress on the first day of this session, as there has not yet been time for that mature deliberation which the importance of the subject demands. Therefore I ask that the time of making the Report be extended to the 29th of January, 1877.

In accordance with the Resolution of August 15, 1876, the Army Regulations prepared under the Act of March 1, 1875, have not been promulgated, but are held until after the Report of the above-mentioned Commission shall have been received and acted on.

By the Act of August 15, 1876, the cavalry force of the army was increased by 2,500 men, with the proviso that they should be discharged on the expiration of hostilities. Under this authority the cavalry regiments have been strengthened, and a portion of them are now in the field pursuing the remnants of the Indians with whom they have been engaged during the summer.

The estimates of the War Department are made up on the basis of the number of men authorized by law, and their requirements, as shown by years of experience; and also with the purpose on the part of the bureau officers to provide for all contingencies that may arise during the time for which the estimates are made. Exclusive of engineer estimates (presented in accordance with Acts of Congress calling for surveys and estimates for improvements at various

localities), the estimates now presented are about six millions in excess of the appropriations for the years 1874-75 and 1875-76. This increase is asked in order to provide for the increased cavalry force (should their services be necessary) to prosecute, economically, work upon important public buildings, to provide for armament of fortifications and manufacture of small-arms, and to replenish the working stock in the supply departments. The appropriations for these last-named have for the past few years been so limited that the accumulations in store will be entirely exhausted during the present year, and it will be necessary to at once begin to replenish them.

I invite your special attention to the following recommendations of the Secretary of War:—

First. That the claims under the Act of July 4, 1864, for supplies taken by the army during the war, be removed from the offices of the Quartermaster and Commissary-Generals and transferred to the Southern Claims Commission. These claims are of precisely similar nature to those now before the Southern Claims Commission, and the War Department bureaux have not the clerical force for their examination nor proper machinery for investigating the loyalty of the claimants.

Second. That Congress sanction the scheme of an annuity-fund for the benefit of the families of deceased officers; and that it also provide for the permanent organization of the Signal Service; both of which were recommended in my last annual Message.

Third. That the manufacturing operations of the Ordnance Department be concentrated at three arsenals and an armoury, and that the remaining arsenals be sold, and the proceeds applied to this object by the Ordnance Department.

The appropriations for river and harbour improvements for the current year were 5,015,000 dollars. With my approval, the Secretary of War directed that of this amount 2,000,000 dollars should be expended, and no new work should be begun and none prosecuted which were not of national importance. Subsequently this amount was increased to 2,237,800 dollars, and the works are now progressing on this basis.

The improvement of the South Pass of the Mississippi River, under James B. Eads and his associates, is progressing favourably. At the present time there is a channel of 20·3 feet in depth between the jetties at the mouth of the pass, and 18·5 feet at the head of the pass. Neither channel, however, has the width required before payments can be made by the United States. A Commission of engineer officers is now examining these works, and their reports will be presented as soon as received.

The Report of the Secretary of the Navy shows that branch of

the service to be in condition as effective as it is possible to keep it with the means and authority given the Department. It is, of course, not possible to rival the costly and progressive establishments of great European Powers with the old material of our navy, to which no increase has been authorized since the war, except the eight small cruisers built to supply the place of others which had gone to decay. Yet the most has been done that was possible with the means at command ; and by substantially rebuilding some of our old ships with durable material, and completely repairing and refitting our monitor fleet, the navy has been gradually so brought up that, though it does not maintain its relative position among the progressive navies of the world, it is now in a condition more powerful and effective than it ever has been in time of peace.

The complete repairs of our five heavy iron-clads are only delayed on account of the inadequacy of the appropriations made last year for the working bureaux of the Department, which were actually less in amount than those made before the war, notwithstanding the greatly enhanced price of labour and materials and the increase in the cost of the naval service, growing out of the universal use and great expense of steam machinery. The money necessary for these repairs should be provided at once, that they may be completed without further unnecessary delay and expense.

When this is done, all the strength that there is in our navy will be developed and useful to its full capacity, and it will be powerful for purposes of defence, and also for offensive action, should the necessity for that arise within a reasonable distance from our shores.

The fact that our navy is not more modern and powerful than it is has been made a cause of complaint against the Secretary of the Navy, by persons who at the same time criticise and complain of his endeavours to bring the navy that we have to its best and most efficient condition ; but the good sense of the country will understand that it is really due to his practical action that we have at this time any effective naval force at command.

The Report of the Postmaster-General shows the excess of expenditures (excluding expenditures on account of previous years) over receipts for the fiscal year ended June 30, 1876, to be \$4,151,988-66 dollars.

Estimated expenditures for the fiscal year ending June 30, 1878, are \$6,723,432-43 dollars.

Estimated revenue for same period is \$0,645,165 dollars, leaving estimated excess of expenditure, to be appropriated as a deficiency, of \$6,078,267-43 dollars.

The Postmaster-General, like his predecessor, is convinced that a change in the basis of adjusting the salaries of postmasters of the

fourth class is necessary for the good of the service, as well as for the interests of the Government, and urgently recommends that the compensation of the class of postmasters above-mentioned be based upon the business of their respective offices, as ascertained from the sworn returns to the Auditor of stamps cancelled.

A few postmasters in the Southern States have expressed great apprehension of their personal safety on account of their connection with the postal service, and have specially requested that their reports of apprehended danger should not be made public lest it should result in the loss of their lives. But no positive testimony of interference has been submitted, except in the case of a mail-passenger at Spartanburgh, in South Carolina, who reported that he had been violently driven away while in charge of the mails, on account of his political affiliations. An assistant superintendent of the railway mail-service investigated this case, and reported that the messenger had disappeared from his post, leaving his work to be performed by a substitute. The Postmaster-General thinks this case is sufficiently suggestive to justify him in recommending that a more severe punishment should be provided for the offence of assaulting any person in charge of the mails, or of retarding or otherwise obstructing them by threats of personal injury.

"A very gratifying result is presented in the fact that the deficiency of this Department during the last fiscal year was reduced to 4,081,790·18 dollars, as against 6,169,938·88 dollars of the preceding year. The difference can be traced to the large increase in its ordinary receipts (which greatly exceed the estimates therefor) and a slight decrease in its expenditures."

The ordinary receipts of the Post-Office Department for the past seven fiscal years have increased at an average of over 8 per cent. per annum, while the increase of expenditures for the same period has been but about 5·50 per cent. per annum, and the decrease of deficiency in the revenues has been at the rate of nearly 2 per cent. per annum.

The Report of the Commissioner of Agriculture accompanying this Message will be found one of great interest, marking, as it does, the great progress of the last century in the variety of products of the soil, increased knowledge and skill in the labour of producing, saving, and manipulating the same to prepare them for the use of man; in the improvements in machinery to aid the agriculturist in his labours, and in a knowledge of those scientific subjects necessary to a thorough system of economy in agricultural production, namely, chemistry, botany, entomology, &c. A study of this Report by those interested in agriculture and deriving their support from it will find it of value, in pointing out those articles which are raised in greater quantity than the needs of the world

require, and must sell, therefore, for less than the cost of production, and those which command a profit over cost of production because there is not an over-production.

I call special attention to the need of the Department for a new gallery for the reception of the exhibits returned from the Centennial Exhibition, including the exhibits donated by very many foreign nations; and to the recommendations of the Commissioner of Agriculture generally.

The Reports of the District Commissioners and the Board of Health are just received—too late to read them and to make recommendations thereon—and are herewith submitted.

The International Exhibition held in Philadelphia this year, in commemoration of the one-hundredth anniversary of American independence, has proved a great success, and will, no doubt, be of enduring advantage to the country. It has shown the great progress in the arts, sciences, and mechanical skill made in a single century, and demonstrated that we are but little behind older nations in any one branch, while in some we scarcely have a rival. It has served, too, not only to bring peoples and products of skill and labour from all parts of the world together, but in bringing together people from all sections of our own country, which must prove a great benefit in the information imparted and pride of country engendered.

It has been suggested by scientists interested in and connected with the Smithsonian Institution, in a communication herewith, that the Government exhibit be removed to the capital and a suitable building be erected or purchased for its accommodation as a permanent exhibit. I earnestly recommend this, and believing that Congress would second this view, I directed that all Government exhibits at the Centennial Exhibition should remain where they are, except such as might be injured by remaining in a building not intended as a protection in inclement weather, or such as may be wanted by the Department furnishing them, until the question of permanent exhibition is acted on.

Although the moneys appropriated by Congress to enable the participation of the several Executive Departments in the International Exhibition of 1876 were not sufficient to carry out the undertaking to the full extent at first contemplated, it gives me pleasure to refer to the very efficient and creditable manner in which the Board appointed from these several Departments to provide an exhibition on the part of the Government have discharged their duties with the funds placed at their command. Without a precedent to guide them in the preparation of such a display, the success of their labours was amply attested by the sustained attention which the contents of the Government building attracted



during the period of the Exhibition from both foreign and native visitors.

I am strongly impressed with the value of the collection made by the Government for the purposes of the Exhibition, illustrating, as it does, the mineral resources of the country, the statistical and practical evidences of our growth as a nation, and the uses of the mechanical arts and the applications of applied science in the administration of the affairs of Government.

Many nations have voluntarily contributed their exhibits to the United States to increase the interest in any permanent exhibition Congress may provide for. For this act of generosity they should receive the thanks of the people, and I respectfully suggest that a resolution of Congress to that effect be adopted.

The attention of Congress cannot be too earnestly called to the necessity of throwing some greater safeguard over the method of choosing and declaring the election of a President. Under the present system there seems to be no provided remedy for contesting the election in any one State. The remedy is partially, no doubt, in the enlightenment of electors. The compulsory support of the free school, and the disfranchisement of all who cannot read and write the English language—after a fixed probation—would meet my hearty approval. I would not make this apply, however, to those already voters, but I would to all becoming so after the expiration of the probation fixed upon. Foreigners coming to the country to become citizens, who are educated in their own language, should acquire the requisite knowledge of ours during the necessary residence to obtain naturalization. If they did not take interest enough in our language to acquire sufficient knowledge of it to enable them to study the institutions and laws of the country intelligently, I would not confer upon them the right to make such laws nor to select those who do.

I append to this Message, for convenient reference, a synopsis of administrative events and of all recommendations to Congress made by me during the last seven years. Time may show some of these recommendations not to have been wisely conceived, but I believe the larger part will do no discredit to the Administration. One of these recommendations met with the united opposition of one political party in the Senate, and with a strong opposition from the other, namely, the Treaty for the annexation of Santo Domingo to the United States, to which I will specially refer, maintaining, as I do, that if my views had been concurred in, the country would be in a more prosperous condition to-day, both politically and financially.

Santo Domingo is fertile, and upon its soil may be grown just those tropical products of which the United States use so much,

and which are produced or prepared for market now by slave-labour almost exclusively; namely, sugar, coffee, dye-woods, mahogany, tropical fruits, tobacco, &c. About 75 per cent. of the exports of Cuba are consumed in the United States. A large percentage of the exports of Brazil also find the same market. These are paid for almost exclusively in coin; legislation, particularly in Cuba, being unfavourable to a mutual exchange of the products of each country. Flour shipped from the Mississippi river to Havana can pass by the very entrance to the city on its way to a port in Spain, there pay a duty fixed upon articles to be re-exported, transferred to a Spanish vessel, and brought back almost to the point of starting, paying a second duty, and still leave a profit over what would be received by direct shipment. All that is produced in Cuba could be produced in Santo Domingo. Being a part of the United States, commerce between the island and mainland would be free. There would be no export duties on her shipments nor import duties on those coming here. There would be no import duties upon the supplies, machinery, &c., going from the States. The effect that would have been produced upon Cuban commerce with these advantages to a rival is observable at a glance. The Cuban question would have been settled long ago in favour of "free Cuba." Hundreds of American vessels would now be advantageously used in transporting the valuable woods, and other products of the soil of the island, to a market, and in carrying supplies and emigrants to it. The island is but sparsely settled, while it has an area sufficient for the profitable employment of several millions of people. The soil would have soon fallen into the hands of United States' capitalists. The products are so valuable in commerce that emigration there would have been encouraged; the emancipated race of the South would have found there a congenial home where their civil rights would not be disputed, and where their labour would be so much sought after that the poorest among them could have found the means to go. Thus in cases of great oppression and cruelty, such as has been practised upon them in many places within the last 11 years, whole communities would have sought refuge in Santo Domingo. I do not suppose the whole race would have gone, nor is it desirable that they should go. Their labour is desirable—indispensable almost—where they now are. But the possession of this territory would have left the negro "master of the situation," by enabling him to demand his rights at home on pain of finding them elsewhere.

I do not present these views now as a recommendation for a renewal of the subject of annexation, but I do refer to it to vindicate my previous action in regard to it.

With the present term of Congress my official life terminates. It is not probable that public affairs will ever again receive attention  
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from me further than as a citizen of the Republic, always taking a deep interest in the honour, integrity, and prosperity of the whole land.

U. S. GRANT

*Executive Mansion, December 5, 1876.*

*CORRESPONDENCE between Great Britain and the United States, respecting the Construction to be put upon Article X of the Treaty of August 9, 1842,\* with reference to Extradition.—1875–1876.*

*General Schenck to the Earl of Derby.—(Received March 8.)*

MY LORD, *Legation of the United States, London, March 3, 1875.*

I HAVE to-day received by telegraph from Mr. Fish at Washington information that a man named Charles L. Lawrence, 5 feet 7 inches high, stout build, heavy black moustache, mouth very large, dark hair, small grey eyes, sailed from Halifax on the 25th February, in the *Caspian* for Queenstown and Liverpool, under the alias of George G. Gordon. He is the leader of a band of revenue swindlers in New York. Two indictments for forgery are pending and charges for at least 20 more. I am instructed by my Government to have this man arrested on his landing at Queenstown in Ireland, or at Liverpool, to be held in custody until the arrival of witnesses and papers on which to make demand for his extradition.

Under these circumstances, and in the interest of both our countries, I have to ask if your Lordship will be good enough to refer the matter to Her Majesty's Home Secretary, and that an order may be issued without delay for the arrest of Lawrence on the arrival of the *Caspian*, which may be at Queenstown perhaps as early even as to-morrow, and for his detention until the witnesses arrive.

Any expenses which may attend a compliance with this request will of course be defrayed by the United States.

I have, &c.,

*The Earl of Derby.*

ROBT. O. SCHENCK.

*The Earl of Derby to General Schenck.*

*Foreign Office, March 4, 1875.*

THE Earl of Derby presents his compliments to General Schenck, and has the honour to inform him that he referred to Her

Majesty's Secretary of State for the Home Department General Schenck's note of the 3rd instant, and is now informed that a warrant has been issued for the arrest of Lawrence, *alias* Gordon, accused of forgery in the United States, which was despatched to Queenstown, with a police officer, last night. Telegrams have likewise been sent to Queenstown and Liverpool, directing the arrest of the man in question should the *Caspian* arrive before the officer with the warrant.

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*General Schenck to the Earl of Derby.—(Received March 8.)*

MY LORD, *Legation of the United States, London, March 5, 1875.*

WITH reference to my note of the 3rd of March, in the case of Lawrence, *alias* Gordon, and to your Lordship's reply of the 4th March, I beg to thank your Lordship, and through you Her Majesty's Secretary of State for the Home Department, for the promptness and courtesy with which my request for the arrest of this man was complied with.

I have, &c.,

*The Earl of Derby.*

ROBT. C. SCHENCK.

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*The Earl of Derby to General Schenck.*

SIR,

*Foreign Office, March 10, 1875.*

WITH reference to your note of the 5th instant, I have the honour to state to you that I have been informed by Her Majesty's Secretary of State for the Home Department that Charles Lawrence, *alias* Gordon, charged with forgery at New York, has been arrested at Queenstown on board the *Caspian*, and is on his road to London in custody; and Mr. Cross has requested me, in informing you thereof, to make the suggestion that your Government should lose no time in forwarding the warrant and depositions in the charge of forgery preferred against the prisoner, in order that the usual steps may be taken before the Chief Magistrate of Bow Street to prove the offence with which he is charged with a view to his extradition.

I have, &c.,

*General Schenck.*

DERBY.

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*Sir E. Thornton to the Earl of Derby.—(Received March 21.)*

MY LORD,

*Washington, March 8, 1875.*

I RECEIVED on the 2nd and 3rd instant respectively the two letters from Mr. Fish, of which I have the honour to inclose copies, relative to the arrest of one Charles L. Lawrence, accused of forgery in the United States, who had sailed from Halifax for Queenstown and Liverpool by the steamer *Caspian* on the 25th ultimo, under the *alias* of George G. Gordon.

The anxiety shown by Mr. Fish and the Treasury Department that this man should be arrested must be my excuse for having troubled your Lordship with my telegrams of the 3rd and 4th instant. At the same time I stated to Mr. Fish that, as he had already telegraphed to General Schenck upon the subject, I could have no doubt that the necessary steps would already have been taken, in concert with the British authorities, for the arrest of the forger.

I have, &c.,

*The Earl of Derby.*

EDWD. THORNTON.

(*Inclosure 1.*)—*Mr. Fish to Sir E. Thornton.*

MY DEAR SIR EDWARD,

*Washington, March 2, 1875.*

ONE Charles L. Lawrence, a notorious criminal, against whom two indictments for forgery are now pending in the United States' Court for New York, and who is charged with at least 20 additional offences of like character, sailed from Halifax on the 25th ultimo in the *Caspian* for Queenstown and Liverpool, under the *alias* of George G. Gordon. I have telegraphed to General Schenck to have him arrested on his arrival.

The District Attorney of New York suggests that he is informed the practice of the Magistrates in Great Britain is not to hold a prisoner on a cable telegram unless advised by the Diplomatic Representative of Her Majesty in the country from which he may have escaped, that there is good ground for the *bona fides* of the arrest.

It is most desirable to the interests of this Government that this offender, represented to be one of the leaders of a class, should be apprehended and brought to justice. Permit me to inquire if the District Attorney be correct with regard to the course likely to be taken by the Magistrates in Great Britain, and whether, in case he be correctly informed, any intervention of yours may be secured to secure the arrest and bringing to justice of this fugitive.

I will esteem it a great favour if you will adopt such measures in the premises as will secure the detention of the accused until the necessary documents, which are expected to be forwarded by the next mail, shall have arrived.

I will defray the expense of any cable telegram which you may think proper to send for the purpose referred to.

I have, &c.,

*Sir E. Thornton.*

HAMILTON FISH.

(*Inclosure 2.*)—*Mr. Fish to Sir E. Thornton.*

*Department of State,*

MY DEAR SIR EDWARD,

*Washington, March 3, 1875.*

REFERRING to my note of last evening in relation to the alleged fugitive Lawrence, I have now the honour to state that I am this

moment in receipt of information received by the Treasury Department from the United States' District Attorney at New York, to the effect that Lawrence sailed in the *Caspian* on the 25th ultimo; that the *Caspian* is due at Queenstown on Thursday (to-morrow) morning, and that a warrant having been issued for Lawrence by a Canadian Magistrate, the Dominion Government has undertaken to telegraph the Imperial Government in aid of the measures for the arrest of Lawrence, and advised that application should be made to Her Majesty's Minister at this capital to cable to the same effect.

One Hoffinery, a supposed confederate of Lawrence at Liverpool, was advised by cable yesterday, by a brother of Lawrence, of the latter's departure on the *Caspian*, under the name of Gordon, and it is presumed that this Hoffinery will meet him at Liverpool, and on this account his apprehension at Queenstown before he can have communication with his friends at Liverpool is desirable.

In view of these newly ascertained facts, I have taken the liberty to bring the matter again to your attention, with a view of securing your prompt intervention in the matter in the way indicated, if you shall feel at liberty to lend your efforts in that way. This Government deems the arrest and trial of Lawrence of great importance in the interest of public justice, and the putting an end to systematic and gigantic frauds upon the public revenue.

I have, &c.,

Sir E. Thornton.

HAMILTON FISH.

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*General Schenck to the Earl of Derby.—(Received April 7.)*

MY LORD,      *Legation of the United States, London, April 5, 1875.*

REFERRING to our correspondence upon the subject of the arrest of Charles L. Lawrence, *alias* Gordon, and especially to your Lordship's note of March 10, I have the honour to inform your Lordship that I am instructed by Mr. Fish to express to you the appreciation of my Government of the prompt action taken by Her Majesty's Government in this matter.

I have, &c.,

The Earl of Derby.

ROBT. C. SCHENCK.

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*The Earl of Derby to General Schenck.*

SIR,      *Foreign Office, April 22, 1875.*

WITH reference to your letter of the 5th instant, I have the honour to state to you that I have been informed by Her Majesty's Secretary of State for the Home Department that Charles Lewis Lawrence, whose extradition was demanded by you for the crimes of forging and uttering a certain bond, &c., with intent to defraud the

United States' Government, was committed by the presiding Magistrate at the Bow Street Police Court on the 15th instant, to the Middlesex House of Detention at Clerkenwell.

The depositions and other documents in the case are returned herewith.

*General Schenck.*

I have, &c.,

DERBY.

*General Schenck to the Earl of Derby.—(Received April 24.)*

MY LORD, *Legation of the United States, London, April 24, 1875.*

I HAVE the honour to acknowledge the receipt of your note of the 22nd instant, informing me that Charles Lewis Lawrence was committed on the 15th instant, by the presiding Magistrate at the Bow Street Police Court, to the Middlesex House of Detention at Clerkenwell, for forgery; and I have now to request that the proper Department of Her Majesty's Government may issue a warrant for the surrender of the said Lawrence, under Article X of the Treaty of 1842.

Mr. James Mooney, special detective, is authorized by warrant of the President of the United States to receive and take charge of Lawrence to the United States; and I would ask your Lordship, as the 15 days' delay allowed under the Extradition Act will expire on Friday the 30th instant, to be so good as to have the warrant for his surrender issued on that day, to enable Mr. Mooney to take the steamer sailing from Liverpool on Saturday, the 31st instant.

I have, &c.,

*The Earl of Derby.*

ROBT. C. SCHENCK.

*The Earl of Derby to General Schenck.*

SIR,

*Foreign Office, April 27, 1875.*

I REFERRED to Her Majesty's Secretary of State for the Home Department your note of the 24th instant, requesting that a warrant might be issued for the surrender, on the 30th instant, of Charles Lawrence, charged with forgery; and I have the honour to state to you that I have been informed that the necessary directions have been given for compliance with your request.

I have, &c.,

*General Schenck.*

DERBY.

*General Schenck to the Earl of Derby.—(Received May 14.)*

MY LORD, *Legation of the United States, London, May 13, 1875.*

REFERRING to our correspondence upon the subject of the extradition of Charles Lawrence, and especially to your Lordship's note of the 27th April, announcing that a warrant had been issued

for his surrender, I have the honour to request that your Lordship will cause a bill of the expenses attending this man's extradition to be made out and transmitted to me, that I may pay it at once.

I have, &c.,

*The Earl of Derby.*

ROBT. C. SCHENCK.

*The Earl of Derby to General Schenck.*

SIR,

*Foreign Office, May 21, 1875.*

I HAVE the honour to transmit to you the accompanying certified copy, which has been received from Her Majesty's Secretary of State for the Home Department, of the warrant of surrender issued in the case of Charles Lewis Lawrence, a fugitive criminal, whose extradition is claimed by your Government, by which it will be seen that the prisoner was surrendered for the crimes of forging and uttering a certain bond and a certain affidavit. I have, &c.,

*General Schenck.*

DERBY.

*General Schenck to the Earl of Derby.—(Received June 4.)*

MY LORD, *Legation of the United States, London, June 3, 1875.*

REFERRING to your note of the 1st instant, I have the honour to inclose to you herewith my cheque on Messrs. Baring Bros. and Co., for 24*l.* 0*s.* 6*d.*, being the amount of expenses incurred by Police Sergeant Shaw in the apprehension of Charles Lawrence.

I have, &c.,

*The Earl of Derby.*

ROBT. C. SCHENCK.

*Colonel Hoffman to the Earl of Derby.—(Received August 24.)*

MY LORD, *Legation of the United States, London, August 24, 1875.*

REFERRING to the correspondence in the case of Charles L. Lawrence extradited in April last, I have the honour to inform your Lordship that I have received a communication from my Government stating that the Department of Justice at Washington has requested that steps may be taken to secure the attendance of Sergeant E. Shaw, of the Metropolitan Police Force of London (the detective who arrested Lawrence at Queenstown), at the trial in New York, as his testimony is necessary to identify certain papers found upon the prisoner at the time of his arrest.

In compliance therewith I am instructed to ask that your Lordship will be so good as to have the necessary permission given for Sergeant Shaw to proceed to the United States.

The trial will take place early in October, and it is desired that



he leave England not later than the 2nd of September next. His expenses of travel, and a compensation for his time and services, will be paid by my Government.

I have, &c.,

*The Earl of Derby.*

WICKHAM HOFFMAN.

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*The Earl of Derby to Colonel Hoffman.*

SIR,

*Foreign Office, August 27, 1875.*

I REFERRED to Her Majesty's Secretary of State for the Home Department your note of the 24th instant, requesting, on behalf of your Government, that permission might be granted for Sergeant Shaw, of the Metropolitan Police Force, to proceed to New York, in order to give evidence at the approaching trial in that city of Charles Lewis Lawrence, who was surrendered under a warrant of extradition for the crimes of forgery, and uttering a certain bond and affidavit, within the jurisdiction of the United States.

A reply has now been received from Mr. Cross, inclosing copies of letters received by him from Messrs. Lewis and Lewis, Solicitors, the information contained in which warrants the supposition that Lawrence is now in custody in the United States, not only upon the charge of forgery, for which he was delivered up under the Extradition Treaty now in existence between your Government and that of Her Majesty, but also on charges of conspiracy and smuggling; and it is apprehended by the parties conducting his defence that he will be put on his trial for the latter offences, which are not extradition offences at all.

Her Majesty's Government cannot assume that that of the United States would permit such a course to be adopted, as being contrary to section 3 of the Extradition Act, 1870,\* by which Act alone (section 27) the American Treaty is kept alive; contrary also to the law which governs the practice of the United States' Government in extradition cases, as laid down in the Act of Congress, 1848, chap. 167;† and contrary to the general practice of all countries; and they have accordingly instructed Her Majesty's Minister at Washington to make inquiries into the matter.

In conclusion, I have the honour to state, that before acceding to the request preferred through you by your Government, for the attendance of Sergeant Shaw, as a witness at Lawrence's trial, Her Majesty's Government would, in view of the facts cited above, require an assurance that Shaw, if sent out to New York, would only be called as a witness against Lawrence to prove the extradition crime, for which he was surrendered, and no other.

I have, &c.,

*Colonel Hoffman.*

DERBY.

*The Earl of Derby to Sir E. Thornton.*

(Telegraphic.)

*Foreign Office, August 27, 1875, 3:55 P.M.*

I HAVE to instruct you to ascertain and to report to me as soon as possible whether the United States' authorities intend to permit Lawrence to be tried for any other crimes than those for which he was given up, namely, for forging and uttering a bond and affidavit in the United States.

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*Colonel Hoffman to the Earl of Derby.—(Received August 28.)**My Lord, Legation of the United States, London, August 28, 1875.*

I HAVE the honour to acknowledge the receipt of your note of yesterday.

I regret to say that it was by inadvertence that I stated in my note of the 24th instant that the testimony of Sergeant Shaw was wanted on the trial of Lawrence. It should have been on the trial of Robert Des Anges.

On the arrest of Lawrence at Queenstown by Sergeant Shaw, a very important letter in Des Anges' handwriting was found upon him. It is to prove the discovery of this letter on the person of Lawrence that the presence of Sergeant Shaw is required.

I have the honour to inclose copies of Mr. Fish's despatch, and of the letters addressed to him by the Department of Justice, and to request that Sergeant Shaw may be permitted to proceed to New York at the earliest possible date, as a witness on the trial of Robert Des Anges.

I have, &c.,

*The Earl of Derby.***WICKHAM HOFFMAN.***Sir E. Thornton to the Earl of Derby.—(Received August 28.)*

(Telegraphic.)

*Washington, August 28, 1875.*

IN answer to your message of yesterday, the United States' Solicitor-General has given it as his opinion that there is no United States' Law or Treaty stipulation with Great Britain which prevents Lawrence being tried for crimes other than those for which he was given up. I believe he will, therefore, be prosecuted for such crimes, smuggling among them.

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*The Earl of Derby to Colonel Hoffman.***SIR,***Foreign Office, August 31, 1875.*

WITH reference to your note of the 28th instant, I have the honour to acquaint you that I have been informed by Her Majesty's Secretary of State for the Home Department that Police-Sergeant Shaw has been instructed to leave England for America on the 2nd

of September, with a view to giving the required evidence at the trial of Robert Des Anges.

I have, &c.,

Colonel Hoffman.

DERBY.

*Sir E. Thornton to the Earl of Derby.*—(Received September 3.)  
(Telegraphic.)

Washington, September 3, 1875.

THE Solicitor-General's opinion has not yet been sent to the District Attorney at New York, but there seems no doubt of the intention of the United States' Government to try Lawrence for crimes other and besides those for which he was surrendered, especially for smuggling silks.

*Sir E. Thornton to the Earl of Derby.*—(Received September 12)  
MY LORD,

Saratoga, August 30, 1875.

WITH reference to your Lordship's telegram of the 27th instant, relative to Charles Lewis Lawrence, who was surrendered by the British authorities under a warrant of extradition, on the charge of forgery, and uttering a certain bond or certificate, I have the honour to inform you that the question having been raised whether he could be tried for crimes other than those for which he was given up, it was referred, as I learnt some time ago, to the Attorney-General. But, as Mr. Pierrepont had been retained for the prisoner before he accepted office, he declined to give an opinion upon the question which had arisen, and it was therefore transferred to the Solicitor-General. This gentleman gave his opinion some days ago. I have not seen it, but I understand it is to the effect that there is no law of the United States, and no Treaty stipulation with Great Britain, which forbid the accused being tried for crimes other than those for which he was given up.

I am told that it is the intention of the Government to try Lawrence for some such crimes, amongst which are frauds on the revenue with regard to the importation of goods; but upon this point I am making further inquiries. I learn that both Mr. Fish and the Secretary of the Treasury are very desirous that he should be tried and punished for such crimes.

I have, &c.,

*The Earl of Derby.*

EDWD. THORNTON.

*Sir E. Thornton to the Earl of Derby.*—(Received September 19.)  
MY LORD,

Washington, September 6, 1875.

WITH reference to my despatch of the 30th ultimo, I have received information, which came originally from Mr. Bliss, United States' District Attorney at New York, that the opinion of the Solicitor-General upon the question whether Lawrence could be tried

for crimes other than those for which he was surrendered by the British authorities, had not yet been received at Mr. Bliss's office, but that it was understood to be favourable to his being so tried. There seems to be no doubt that under the Solicitor-General's opinion the District Attorney will place Lawrence upon his trial, as well for other crimes and misdemeanours as for the specific crime for which he was surrendered. The other offences charged against him, for which it is desired to try him, are chiefly the smuggling of silks, by which he seems to have defrauded the revenue to an immense extent.

I have the honour to inclose three printed copies of the argument presented to the Solicitor-General by the District Attorney, in support of the right to try Lawrence for crimes other than those for which he was given up. If the statements made by Mr. Bliss as to the practice observed in England and Canada are true, they strongly support the pretension of the United States' authorities.

I have, &c.,

*The Earl of Derby.*

EDWD. THORNTON.

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*(Inclosure.)—Argument presented to the Solicitor-General by the District Attorney for the Southern District of New York.*

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*Sir E. Thornton to the Earl of Derby.—(Received November 16.)*

MY LORD,

*Washington, November 1, 1875.*

WITH reference to my despatch of the 14th of September last, I have the honour to inform your Lordship that I have learnt, on the best authority, that the Attorney-General has instructed the United States' District Attorney at New York to the effect that the trial of Charles L. Lawrence is to be proceeded with on the charge of forgery, for which his extradition was requested of, and granted by, Her Majesty's Government; and that if he should be acquitted of that charge, the District Attorney is to await further instructions.

The tendency, however, seems to be that, in case of acquittal with regard to the above charge, Lawrence will be indicted for other crimes, for which extradition is not stipulated between the two Governments.

I have, &c.,

*The Earl of Derby.*

EDWD. THORNTON.

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*The Earl of Derby to Sir E. Thornton.*

*(Telegraphic.)*

*Foreign Office, November 26, 1875, 5.5 P.M.*

I HAVE to instruct you to ascertain from Mr. Fish whether the United States' Government intend to try Lawrence for any crime other than that for which he was extradited; and if they do intend to do so, you will protest against it.

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*Sir E. Thornton to the Earl of Derby.—(Received November 27.)*  
(Telegraphic.) *Washington, November 27, 1875.*

I HAVE questioned Mr. Fish in the sense of your telegram of yesterday. He says that this Government claims the right to try Lawrence for crimes other than that for which he was surrendered. Mr. Fish cannot say yet whether he will be so tried, but he is informed that the same course has been followed in England. The United States' Government intend first to try Lawrence for the extradition crime, and to do their best to obtain his conviction. They will afterwards decide whether he should be tried for other crimes for which he has not yet been arraigned. Does your Lordship wish me to protest now, or to wait until it is clear that Lawrence will be put on his trial for crimes other than the extradition one?

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*The Earl of Derby to Sir E. Thornton.*  
(Telegraphic.) *Foreign Office, December 3, 1875, 7-5 P.M.*

I HAVE received your telegram of the 27th ultimo, and I have now to instruct you to call the attention of Mr. Fish to the English Extradition Act of 1870, section 8, sub-section 2, by which this Government is prohibited from surrendering a fugitive criminal to a foreign State, unless provision is made by the law of that State, or by arrangement, that the fugitive shall not be tried for any offence other than that for which he was surrendered. Her Majesty's Government has hitherto believed that the United States' law contained the necessary provisions; but as it now appears from the claim put forward by Mr. Fish in the case of Lawrence that there is no such law, and as the Treaty can only be put in force by the Act of 1870, it will be necessary that an arrangement should be entered into between the two countries, in order that the British Government may be able to comply with future demands for extradition.

You will ask Mr. Fish to furnish you with particulars of the English case to which he refers.

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*Sir E. Thornton to the Earl of Derby.—(Received December 4.)*  
(Telegraphic.) *Washington, December 4, 1875.*

IN answer to your Lordship's telegram of the 3rd instant, the view of Mr. Fish is that it is not expedient to come to a specific arrangement, which would require the sanction of the Senate, on the one point in question, particularly when a discussion is going on about the case of Lawrence; but he professes his readiness to conclude an enlarged Treaty if it were possible. He now thinks that Lawrence will be convicted of the crime for which he was surren-

dered, in which case there will be no longer a question at issue. The cases he refers to are those of Heilbronn, mentioned in the Minutes of the Extradition Commission of 1868, and of Paston in Canada.

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*The Earl of Derby to Sir E. Thornton.*

(Telegraphic.)

*Foreign Office, December 7, 1875, 6:45 P.M.*

I HAVE received your telegram of the 4th instant, and I have to instruct you to say to Mr. Fish that Her Majesty's Government have always understood that in both countries the provisions required by section 3 of the Act of 1870 were carried out by a tacit understanding, which has hitherto always been acted upon. Her Majesty's Government could not otherwise, since the passing of the Act of 1870, have surrendered any criminals to the United States.

If Lawrence is acquitted of the crime for which he was given up, you will at once make as strong a protest as possible, on the grounds stated already, against his trial on any other charge whatever. Her Majesty's Government are ready to resume at any time negotiations for an Extradition Treaty with the Act of 1870 as a basis.

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*Sir E. Thornton to the Earl of Derby.—(Received December 12.)*

MY LORD,

*Washington, November 29, 1875.*

IN compliance with the instruction contained in your Lordship's telegram of the 26th instant, I called upon Mr. Fish on the next day, and inquired whether it was the intention of the United States' authorities to proceed to the trial of Lawrence for crimes other than that for which his surrender had been demanded from, and granted by, Her Majesty's Government.

Mr. Fish replied that the United States' Government claimed the right to do so; that there was nothing in the Treaty of 1842 which forbade the trial of a criminal for crimes other than that for which he was surrendered, and that he was informed, though he had no personal knowledge of the precise cases, that Her Majesty's Government had on one or more occasions exercised that right.

Mr. Fish informs me that instructions have been given to try Lawrence for the crime for which he was surrendered, and that the United States' Government will use their utmost efforts to secure his conviction; but that there is no doubt that he is supported by some very rich and influential commercial houses, both in the United States and in England, who have been accomplices with him in large smuggling transactions. It would be extremely easy for these men to employ 100,000 dollars or more in suborning or getting rid of a witness, and the prosecution might fail to secure a conviction. In that case the United States' Government might consider it necessary

to cause the accused to be tried for crimes other than that for which he was given up.

I replied that whatever might be the wording of Treaty engagements with regard to extradition, the spirit of such instruments was that criminals should be surrendered only for specified crimes, and tried only for those for which they are given up; and that there is a tacit understanding that they should be tried for no others.

Mr. Fish denied that this was the case where no positive stipulation was made to that effect; that even where such an engagement was inserted in an Extradition Treaty, it was more for the purpose of preventing the extradition from being made the pretext for trying the accused for political than for other crimes.

Mr. Fish added that Lawrence had not yet been arraigned for any other crime than that for which he was given up, although he had given bail to appear.

I have, &c.,

*The Earl of Derby.*

EDWD. THORNTON.

*Sir E. Thornton to the Earl of Derby.—(Received December 20.)*

MY LORD,

*Washington, December 6, 1875.*

IN compliance with the instruction contained in your Lordship's telegram of the 3rd instant, I called the next day on Mr. Fish and pointed out to him the provisions of section 3, sub-section 2, of the Extradition Act of 1870, which prohibit Her Majesty's Government from surrendering a fugitive criminal to a foreign State unless provision is made by the law of that State, or by arrangement, that the fugitive shall not be tried for any offence other than that for which he was surrendered; and I added that, in order to enable Her Majesty's Government to comply with future applications for extradition, it would be necessary that an arrangement should be entered into between the two countries.

Mr. Fish said, that to make such a condition for the extradition of criminals would be incompatible with the terms of the Treaty of 1842, which, before the passing of the Act of 1870, had been interpreted by Her Majesty's Government as it was now interpreted by the United States' Government. This has been made evident by what was said by Mr. Hammond, in answer to questions put to him by the Special Extradition Committee in 1868, and by the trial of Heilbronn for a larceny after he had been acquitted of the extradition crime for which he was surrendered.

But as it appeared to Mr. Fish that the condition of section 3, sub-section 2, of the Act was antagonistic to the Extradition Article of the Treaty of 1842, he considered that it was excepted from application to that Article by section 27 of the Act.

I replied that the Treaty merely stipulated that those accused of

certain crimes should be surrendered, and that the condition inserted in the Act was not inconsistent with, nor did it prevent, such surrender. I urged, however, that an arrangement should be come to upon this subject, so as to render future difficulties impossible. But Mr. Fish considered it inexpedient to enter into an arrangement upon that sole specific point, which would require the sanction of the Senate. Such an arrangement would be still more inexpedient while the case of Lawrence was pending, and he was convinced that the Senate would not consent to it. The United States' Government would, however, be much gratified if it could succeed in concluding with Her Majesty's Government such a Treaty as was recently under negotiation, and which would comprise, besides the above-mentioned condition, an enlarged list of offences.

With regard to the case of Lawrence, Mr. Fish had just seen the United States' District Attorney for New York, who had assured him that he hoped to bring about the conviction of the accused for the crime for which he was surrendered; in which case he would not, of course, be tried on any other indictment. He had been indicted, Mr. Fish said, for a number of other forgeries, but for none of these had he been as yet arraigned or called upon to plead.

Mr. Fish added that Lawrence was at this moment in prison on a civil suit, namely, for a debt of upwards of 1,000,000 dollars to the United States' Government; but this was a matter, as he considered, to which the Act of 1870 had no reference.

I have, &c.,

*The Earl of Derby.*

EDWD. THORNTON.

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*Sir E. Thornton to the Earl of Derby.—(Received December 25.)*

MY LORD,

*Washington, December 13, 1875.*

IN compliance with the instruction contained in your Lordship's telegram, which I received on the evening of the 7th instant, I called on Mr. Fish at the State Department on the 9th instant, and informed him that Her Majesty's Government had always understood that no doubt existed, in either country, that the provisions required by section 3, sub-section 2, of the Extradition Act of 1870, were fulfilled, by a tacit understanding which had always been acted up to; for that, otherwise, Her Majesty's Government could not have surrendered any criminals to the United States since the passing of the Act of 1870. Mr. Fish repeated that this was certainly not the understanding before that Act was passed, for that it had been plainly stated by Mr. Hammond before the Extradition Committee in 1868 that it had been the practice both in England and the United States to try surrendered criminals for crimes other than those for which they had been given up, and that no objection had been made



to that course on either side. Mr. Fish maintained that the provisions of sub-section 2 of section 3 were inconsistent with Article X of the Treaty of 1842, and that, therefore, by section 27, that part of the Act did not apply to the United States.

I replied that these provisions were not so inconsistent, but merely laid down a condition upon which the terms of the Treaty could be carried out. I also drew Mr. Fish's attention to the wording of section 3 of the Act of Congress of August 12, 1848, by which the Secretary of State was authorized to order the criminal to be delivered up "to be tried for the crime of which such person shall be so accused." I said that it was evident that this was the only crime for which he could be tried. But Mr. Fish demurred to this conclusion, and added that the practice had been otherwise in both countries.

Mr. Fish requested me to assure your Lordship that the United States' Government would be glad to conclude a new Treaty upon the subject of extradition, but that he was convinced that it would be impossible to induce the Senate to sanction the Article which intrusted to the Police Magistrate the decision of what was to be considered a political crime, unless Her Majesty's Government would authorize me to state in a Protocol, or Note, that the Government itself would take the whole responsibility of such decision. I answered that Her Majesty's Government found it impossible to agree to such a proposal.

Mr. Fish added that, with regard to Lawrence, he had reason to hope that he would be convicted on the extradition crime, so that there would then be no question at issue; but I pointed out to him that, as the question had now been raised, it might be difficult to surrender criminals hereafter, unless Her Majesty's Government was assured by that of the United States that the surrendered criminal should be tried only for the crime on which his surrender was demanded.

I understand that Lawrence's trial is to begin on the 15th instant, and, if he should be acquitted, I shall, in compliance with your Lordship's instructions, at once protest against his being tried for any other offence.

I have, &c.,

*The Earl of Derby.*

EDWD. THORNTON.

*Sir E. Thornton to the Earl of Derby.—(Received January 2, 1876.)*

MY LORD,

*Washington, December 20, 1875.*

I HAVE the honour to inform your Lordship that Charles L. Lawrence was arraigned, on the 13th instant, in the United States' Circuit Court at New York, to plead to the indictment against him, charging him with forging the name of F. L. Blanding to owners'

oaths and importers' entries, and also with presenting the same at the Custom-house, with intent to defraud the United States. By the advice of his counsel the prisoner pleaded not guilty to the count alleging forgery, but declined to plead upon the others on the ground that, having been surrendered on the alleged forgery alone, he could not be compelled to plead to any other alleged crime. The Judge then ordered that a plea of not guilty should be entered. I understand that the objectionable counts charged Lawrence with an offence created by an Act of Congress, viz., the presenting to an officer of the Customs a forged, or false, or fraudulent document with intent to defraud the Government.

On the 16th instant Lawrence's case was again called, and his counsel then moved that the objectionable counts, to which the prisoner had refused to plead, should be struck out; but the Judge refused to grant the motion. I have the honour to inclose two copies of the report of the proceedings as published in the newspapers.

As, however, Mr. Fish has several times stated to me that Lawrence will first be tried for the offence for which he was surrendered, I take it for granted that this course will really be followed, and shall not enter a protest until I shall be informed of the result of this trial, which, as I understand, will begin to-morrow.

I have, &c.,

*The Earl of Derby.*

EDWD. THORNTON.

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*(Inclosure.)—Extract from the "New York Times."*

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*Sir E. Thornton to the Earl of Derby.—(Rec. January 10, 1876.)*

*(Extract.)*

*Washington, December 27, 1875.*

WITH reference to my despatch of the 20th instant, I have the honour to inform your Lordship that some doubt seems to be entertained by the Attorney-General of the United States whether Mr. Bliss, the United States' District Attorney at New York, who is charged with the prosecution of the forger, Charles L. Lawrence, was not disposed to cause the accused to be at once tried for crimes other than that for which he was surrendered by Her Majesty's Government. In consequence of this suspicion, it would appear that the Attorney-General has addressed a letter to Mr. Bliss, reminding him of the instructions which had been already sent to him, and repeating that Lawrence must be first tried for the crime for which he was surrendered, and for no other, and that any subsequent proceedings must await the orders of the President.

The trial of Lawrence for the crime for which he was surren-  
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dered, has been, at his petition, deferred till this day week, in order to give his counsel time for further preparation.

*The Earl of Derby.*

EDWD. THORNTON.

*Sir E. Thornton to the Earl of Derby.—(Rec. January 11, at night.)*  
(Telegraphic.)

*Washington, January 11, 1876.*

THE trial of Lawrence will begin to-morrow. I am told that even in the event of his acquittal, the Attorney-General is greatly opposed to his trial on any other charge, and that the President and Mr. Fish are coming round to his views. This being the case, I would suggest that I had better, if Lawrence is acquitted, first state my reasons and say that Her Majesty's Government hope he will not be tried on any other charge; and then, if I find that it is really intended to try him for another crime, I can enter a solemn protest against such a proceeding.

*Sir E. Thornton to the Earl of Derby.—(Rec. January 23.)*

MY LORD,

*Washington, January 10, 1876.*

WITH reference to my despatch of the 27th ultimo, I learn that Mr. Bliss, the United States' District Attorney at New York, yielding to the positive instructions forwarded to him by the Attorney-General, has caused a new indictment to be drawn up against Lawrence, charging him with the crime of forgery, for which he was surrendered, i.e., with forging the name of F. L. Blanding and Co. to owners' oaths and import entries. On this new indictment I understand that the case will be called up on the 12th instant.

With reference to Sir Thomas Henry's letter of the 21st ultimo, copy of which was forwarded in your Lordship's despatch of the 24th ultimo, in which it is stated that, in the discussion between me and Mr. Fish, no allusion appears to have been made to the American Act of Congress, 1848, c. 167, the 3rd section of which provides that the fugitive shall be surrendered to the foreign Government, to be tried for the crime of which he shall be so accused, your Lordship will have since seen by my despatch of the 13th ultimo that on the 9th ultimo I called Mr. Fish's attention to the wording of that Act, and that the extradition crime was the only one for which the surrendered fugitive could be tried. I then had the Act with me, and read the section to him; but both then, and on other occasions when I have made use of the same argument, Mr. Fish has maintained that neither does the Act of Congress impose upon the United States the obligation not to try the surrendered fugitive for any other than the extradition crime, nor does the Act of Parliament of 1870 impose a similar obligation upon Great Britain with regard to fugitives surrendered by the United States,

because the condition is not contained in, and would be incompatible with, Article X of the Treaty of 1842, and that therefore, by the 27th section of that Act, it does not apply to fugitives surrendered by Great Britain to the United States, or *vice versa*.

From Mr. Fish's language upon this subject I cannot but think that when, in future cases, Her Majesty's Government shall refuse to surrender, unless upon the above-mentioned condition, the Government of the United States will decline to accede to it, and that extradition will cease between the two countries. Neither do I believe that Mr. Fish would sign a new Treaty, unless Her Majesty's Government should declare that it took upon itself the whole responsibility of deciding what is or is not a political crime.

I have, &c.,

*The Earl of Derby.*

EDWD. THORNTON.

*The Earl of Derby to Sir E. Thornton.*

SIR,

*Foreign Office, January 27, 1876.*

I REFERRED to Her Majesty's Secretary of State for the Home Department your despatch of the 3rd instant, with reference to the trial of Charles Lawrence for any crime other than that for which he was surrendered, and I have to state to you that you cannot too strongly press upon the United States' authorities the views which have been communicated to you in my despatches on this subject.

I am, &c.,

*Sir E. Thornton.*

DERBY.

*Sir E. Thornton to the Earl of Derby.—(Received February 29.)*

MY LORD,

*Washington, February 14, 1876.*

NOTWITHSTANDING the assurances which had been given me by Mr. Fish that the forger, Charles L. Lawrence, would be tried only for the crime for which he was surrendered, I was a little anxious upon the subject, and therefore requested Mr. Archibald to procure me a copy of the last indictment which has been drawn up against the accused. This document is now in my possession. It is, however, somewhat difficult for me to decide whether this indictment goes beyond the crime or crimes for which Lawrence was surrendered, because I have never received an official intimation of the precise crimes for which he was so surrendered, nor copies of the documents which led to his committal, nor have I seen copies of the correspondence which may have passed upon the subject between Her Majesty's Government and the United States' Minister in London. All the documents which I have seen, and which have enabled me to form an opinion, are copies, furnished by Mr. Stoughton, counsel for the defendant, of two warrants, purporting

to be signed by Sir Thomas Henry, dated April 15, 1875. In one of these Lawrence is stated to be accused of the crime of forging and uttering a certain affidavit, purporting to be made and sworn by one F. L. Blanding, with intent to defraud the Government of the United States; in the other of the crime of forging and uttering a certain bond and writing obligatory, with intent, &c.

From the indictment I am led to suppose that the above-mentioned affidavit is an affidavit partly printed and partly written on the back of an import entry. In it F. L. Blanding swears that the entry contains a just and true account of all the goods, &c., imported by and consigned to F. L. Blanding and Co., in the *Baltic*. The bond mentioned in the other warrant seems to be one which is signed by Lawrence as attorney for Blanding, and by Lawrence for himself.

There are 24 counts in the indictment. The greater part of them charge the accused with forging and uttering the above-mentioned affidavit and bond, and, as far as they relate to these two documents, I can see nothing to which objection can be taken.

But the 7th, 8th, 10th, 17th, 18th, and 20th counts charged the defendant with forging and uttering the import entry alone, without mention of the affidavit which is on the back of it. It seemed to me that these counts indicted him for a crime which was not mentioned in either of the two warrants.

I submitted the indictment to Mr. Carlisle, the legal adviser of this Legation, who, whilst he expressed his opinion in the strongest manner that the accused could not be tried for any but the crime for which he was surrendered, added that the indictment was clearly one for the offences specified in the warrants, and that he saw no possible objection to it which could be set up or maintained by Her Majesty's Government. He considered the gist of the matter to be that, in accordance with the provisions of the Treaty, a man had been given up by the British authorities who was charged with the commission of the crime of forgery, and that this was an indictment for forgery, and, substantially, for exactly the forgery specified in the warrants. Mr. Carlisle saw nothing in the objection that the warrants specified the forgery of an affidavit and bond, whilst some of the counts in the indictment charge the forgery of a paper which is neither.

The day after Mr. Carlisle gave me this opinion I met Mr. Stoughton, who was passing through Washington. He insisted that the counts of the indictment which I have cited above charged Lawrence with a crime different from those for which he was surrendered. I again submitted the document to Mr. Carlisle, with Mr. Stoughton's objection, but Mr. Carlisle maintained his previous opinion, said that these counts substantially charged the prisoner.

with the same crime, and that the objection was a mere technical one. He added that, however fully justified Her Majesty's Government might be in resisting Lawrence's being tried for any but the extradition crime, it was not worth its while to make a technical objection of that nature to the indictment. He said, however, that, without the whole of the papers before him, he could not give a more positive opinion.

Considering Mr. Carlisle's view of the matter, I shall refrain, for the present at least, and unless some new circumstances should induce me to act otherwise, from making a representation to Mr. Fish with regard to the indictment; but, in the meantime, if it be possible, I should feel much obliged if your Lordship could direct that the copies of the papers on which the committal of Lawrence was decided, as well as of General Schenck's correspondence with Her Majesty's Government, be transmitted to me.

I have, &c.,

*The Earl of Derby.*

EDWD. THORNTON.

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*The Earl of Derby to General Schenck.*

SIR,

*Foreign Office, February 29, 1876.*

I HAVE the honour to state to you that I have been informed by Her Majesty's Secretary of State for the Home Department that the Chief Magistrate of the Bow Street Police Court issued on the 18th instant, upon the information of Colonel Cheseborough, of the United States' Legation, warrants for the apprehension, under the 8th section, clause 2, of "The Extradition Act, 1870," of Ezra D. Winslow, who is accused of the crime of forgery within the jurisdiction of the United States of America.

Her Majesty's Secretary of State for the Home Department, in communicating this to me, has drawn my attention to the 3rd clause, sub-section 2 of the Act, which is as follows:—

"(2.) A fugitive criminal shall not be surrendered to a foreign State unless provision is made by the law of that State, or by arrangement, that the fugitive criminal shall not, until he has been restored or had an opportunity of returning to Her Majesty's dominions, be detained or tried in that foreign State for any offence committed prior to his surrender, other than the extradition crime proved by the facts on which the surrender is grounded."

And he has inquired whether any provision has been made by the law of the United States, or by arrangement, that Winslow, if surrendered, shall not, until he has been restored, or had an opportunity of returning to Her Majesty's dominions, be detained or tried in the United States for any offence committed prior to his surrender, other than the extradition crime proved by the facts on which the surrender is grounded.

The Secretary of State for the Home Department fears that the claim advanced by your Government to try Lawrence, in the recent case of extradition with which you are familiar, for crimes other than the extradition crime for which he was surrendered, amounts to a denial that any such law exists in the United States; while the disclaimer by your Government of any implied understanding existing with Her Majesty's Government in this respect, and the interpretation put upon the Act of Congress of August 12, 1848, cap. 167, sec. 3, preclude any longer the belief in the existence of an effective arrangement which Her Majesty's Government had previously supposed to be practically in force.

The Secretary of State for the Home Department is accordingly compelled to state that if he is correct in considering that no such law exists, he would have no power, in the absence of an arrangement, to order the extradition of Winslow, even though the extradition crime for which he has been arrested were proved against him, and the usual committal by the Magistrate ensued thereupon.

I have thought it right to lose as little time as possible in calling your attention to the intimation which I have thus received from Her Majesty's Secretary of State for the Home Department; and I have the honour to request that you will bring the circumstances to the knowledge of your Government, in order that means may be found for the solution of the present difficulty. I have, &c.,

*General Schenck.*

DERBY.

*General Schenck to the Earl of Derby.—(Received March 2.)*

MY LORD, *Legation of the United States, London, March 1, 1876.*

ONE Ezra D. Winslow, a citizen of the United States, has been arrested in London on a charge of forgery committed in Boston. An officer has arrived from that city bringing the necessary documents and proofs upon which to ask for the extradition of Winslow. Under instructions from Mr. Fish, and pursuant to Article X of the Treaty of 1842 between the United States and Great Britain, I have the honour to apply to Her Majesty's Government for the delivery of Winslow into the custody of Mr. Albion J. Dearborn, the officer sent here to receive him, so soon as he shall have been committed for extradition.

I have, &c.,

*The Earl of Derby.*

ROBT. C. SCHENCK.

*General Schenck to the Earl of Derby.—(Received March 2.)*

MY LORD, *Legation of the United States, London, March 2, 1876.*

WITH reference to my note of yesterday, asking that E. D. Winslow, a fugitive from justice, may be surrendered on the charge

of forgery, I have now to state that in addition to that crime he is charged with that of "utterance of forged paper;" and I beg, therefore, to request his extradition on the two distinct charges, viz., of forgery and the utterance of forged paper.

I have, &c.,

*The Earl of Derby.*

ROBT. C. SCHENCK.

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*Sir E. Thornton to the Earl of Derby.—(Received March 5.)*

(Extract.)

*Washington, February 21, 1876.*

DURING an interview with Mr. Fish on the 17th instant I took occasion to refer to the case of Winslow, accused of forgery, and recently arrested in London, whose extradition the United States' Government is about to ask, and I expressed my belief that Her Majesty's Government would not consent to his surrender, except on the condition that he should be tried only for the crimes for which he might be committed. Mr. Fish replied that the United States' Government would not consent to such a condition; that it was not fair to ask it; and that the forger Lawrence had not been indicted for any but the crime for which he had been surrendered. I said that I had a copy of the indictment against Lawrence, and that it appeared to me to go a little beyond the particular crime for which Lawrence was surrendered. I had, however, been unwilling to make an official representation to him upon the subject, because that part of the indictment which seemed to go beyond the extradition crimes was still so immediately connected with them as to be substantially a part of the same crimes. Mr. Fish replied that the most positive instructions had been given that Lawrence was, for the present, to be tried only for the crimes for which he was surrendered.

I am inclined to think that, since the discussion which has taken place upon this subject, the United States' Government, even though it should refuse to consent to the above-mentioned condition, and Her Majesty's Government were to surrender Winslow without it, would not attempt to try Lawrence, Winslow, or any one else in a similar position, for any but the crime for which he might be surrendered. I am convinced that the President and the Attorney-General are both convinced that he ought not to be tried for any other crime.

*The Earl of Derby.*

EDWD. THORNTON.

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*Sir E. Thornton to the Earl of Derby.—(Received March 6.)*

(Telegraphic.)

*Washington, March 5, 1876.*

MR. FISH told me in a conversation which I had with him to-day, that you required a condition that, if surrendered, Winslow



should be tried only for the extradition crimes. The United States' Government, he added, would not agree to such a condition, and would rather declare the Extradition Article of the Treaty at an end; but he said that Winslow, if surrendered, would be tried for the extradition crimes only. He said, however, when I asked him, that he did not know whether the same would be the case with regard to Lawrence.

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*The Earl of Derby to Colonel Hoffman.*

SIR,

*Foreign Office, March 8, 1876.*

I REFERRED to Her Majesty's Secretary of State for the Home Department General Schenck's notes of the 1st and 2nd instant, applying for the surrender to the United States' officer authorized to receive him of Ezra D. Winslow, charged with having committed certain crimes within the jurisdiction of the United States of America; and I have the honour to inform you that, the requisite proofs having been laid before him, the Chief Magistrate of the Bow Street Police Court has formally committed Winslow to prison, and Mr. Cross has forwarded to Sir Thomas Henry his order, under section 8 of the Extradition Act of 1870, signifying that a requisition has been made for the surrender of the prisoner.

The Chief Magistrate will, upon the committal being completed, forward to Mr. Cross a certificate of such committal, together with his report upon the case, and nothing would, in the ordinary course of things, remain but for Her Majesty's Secretary of State for the Home Department, at the expiration of the 15 days prescribed in section 11 of the Act of 1870, to issue his warrant for Winslow to be surrendered to the person duly authorized to receive him.

But in view of the difficulty created in consequence of what has recently occurred in the case of Lawrence, as well as the positive enactment of section 8, sub-section 2, of the Extradition Act of 1870, quoted in the second paragraph of my note to General Schenck of the 29th ultimo, Her Majesty's Government do not feel themselves justified in authorizing the surrender of Winslow until they shall have received the assurance of your Government that this person shall not, until he has been restored or had an opportunity of returning to Her Majesty's dominions, be detained or tried in the United States for any offence committed prior to his surrender other than the extradition crimes proved by the facts on which the surrender would be grounded, and I have the honour to request that you will communicate this decision to your Government, in order that some arrangement may be come to in the matter.

I have, &c.,

*Colonel Hoffman.*

DERBY.

*Colonel Hoffman to the Earl of Derby.—(Received March 8.)*

MY LORD, *Legation of the United States, London, March 8, 1876.*

REFERRING to your note to General Schenck of February 29, upon the subject of the extradition of Winslow, in which you state that the Secretary of State for the Home Department may come to the conclusion that he has no power to surrender the fugitive, even though the usual committal by the Magistrate should take place, I have the honour to inform you that I have received a communication from my Government upon this subject.

Mr. Fish states, not having then received a copy of your Lordship's note, but only by a telegram from General Schenck, that he is at a loss to understand upon what ground the possible action of Her Majesty's Government, as foreshadowed in that communication, is based. If it is founded on a desire to make the Extradition Treaty of 1842 between the United States and Great Britain subject to the Extradition Act of 1870, he is unable to find anything in that Treaty which admits the right of either party to exact conditions beyond those expressed in the Treaty. If, on the other hand, it is based, as I infer from your Lordship's note, upon the reported action of my Government in the Lawrence case, I am authorized by Mr. Fish to say that at the date of his despatch Lawrence had not been arraigned for any other crime than the extradition crime, and that no representation had been made to my Government upon this subject.

In your Lordship's note you refer to the clause of the Act of 1870 which forbids the surrender of a fugitive criminal, unless provision is made by law, or by arrangement, that he shall be tried only for the extradition crime proved by the facts upon which the surrender is grounded.

But may I be permitted to call your Lordship's attention to section 27 of the same Act (33 and 34 Vict., cap. 52), repealing the former Acts under which extradition had theretofore been accorded? This section, probably suggested by the Foreign Office, excepts anything contained in the Act inconsistent with the Treaties referred to in the repealed Acts, among which Treaties is that with the United States. And I am enabled to call your Lordship's attention to a case in the Court of the Queen's Bench, *ex parte* Bouvier, in which it was argued by the Attorney-General, in reference to this section, that the intention of Parliament was to make a general Act which should apply to all cases, except where there was anything inconsistent with the Treaties referred to, and that the provision limiting the crime for which the trial might be had, being inconsistent with the Treaty, the condition so imposed did not apply to the Treaty. And the Lord Chief Justice (Cock-

burn) further observed:—"I rather hesitate to express a decided opinion as to the construction to be put upon section 27, although I see plainly what was the intention of the Legislature, that is to say, it was intended, while getting rid of the Statutes by which the Treaties were confirmed, to save the existing Treaties in their full integrity and force."

The "full integrity and force" of the Treaty of Extradition between the United States and Great Britain has been clearly shown and settled by an unbroken operation of nearly 80 years, during which time Great Britain has at least upon one occasion tried surrendered criminals for crimes other than those for which they had been surrendered, and has thus afforded a practical construction of the scope of the Treaty, and of the powers and rights of both Governments.

I sincerely hope that Her Majesty's Government, upon a further consideration of this matter, will be able to hold with that eminent jurist, the Lord Chief Justice, that "the desire of the Legislature to save the Treaties in their full integrity and force" has been effected; and that they will decide, as he states that he should have done, had it been necessary, "that this object has been accomplished." I know that Her Majesty's Government is as anxious as we are that criminals should not escape the just punishment of their crimes by taking refuge on a foreign shore; and it would assuredly be a sad thing for the interests of both countries, and in that of humanity, if a Treaty which has worked so well for nearly 85 years, to our mutual advantage and to the furtherance of justice, should now be permitted to fall to the ground, and great criminals on both sides of the Atlantic be thus enabled to escape "unwhipt of justice."

I have, &c.,

*The Earl of Derby.*

WICKHAM HOFFMAN.

*Colonel Hoffman to the Earl of Derby.—(Received March 22.)*

MY LORD, *Legation of the United States, London, March 22, 1876.*

ONE Charles J. Brent, a fugitive from justice, has been arrested in England charged with committing forgery and uttering forged paper in the State of Kentucky of the United States. He will be brought up before the sitting Magistrate in Bow Street on Saturday next.

I am instructed by Mr. Fish to request, pursuant to the stipulations of Article X of the Treaty of 1842 between the United States and Great Britain, that Brent may be delivered up on the charge of forgery and the utterance of forged paper, and placed in the custody of Mr. James E. Wilkinson, who is provided with the President's warrant to receive him.

I have the honour to forward to your Lordship herewith the papers upon which extradition is asked.

I have, &c.,

*The Earl of Derby.*

WICKHAM HOFFMAN.

*Sir E. Thornton to the Earl of Derby.—(Received March 27.)*

MY LORD,

*Washington, March 18, 1876.*

WITH reference to my despatch of the 14th ultimo I have now the honour to inclose a pamphlet containing copies of certain documents relative to the last indictment preferred against the forger Lawrence.

Your Lordship will perceive that, on the 26th ultimo, Lawrence, by advice of his counsel, put forward a plea that the indictment showed an intention to try him for crimes other than those for which he was surrendered by Her Majesty's Government.

On the 1st instant, the District Attorney of the United States, Mr. Bliss, filed a reply to the appeal of Lawrence; on the 4th instant, Lawrence made a rejoinder to this reply; and, finally, Mr. Bliss, on the 7th instant, entered a demurrer to the defendant's rejoinder. It would appear, therefore, that it is now left to the Court to decide:—

1. Whether the indictment charges the accused with crimes other than those for which he was surrendered; and
2. Whether, if it does so, the prisoner may be tried for such crimes.

Although I feel some hesitation in offering my opinion upon these points, it seems to me that the first point is one upon which the Court might naturally decide; but that the second question, which depends principally upon the interpretation of a Treaty stipulation, is within the province of the Government of the United States. Upon this last point there might be a ground for addressing a note to the United States' Government, and for discussing the whole question.

I would, at the same time, refer your Lordship to page 13 of the inclosed pamphlet, where are found statements made by the District Attorney in reply to Lawrence's plea, which, as coming from the representative of the United States' Government charged with the prosecution in its name, would also furnish ground for addressing a communication to that Government.

I am inclined, however, to await the decision of the Court upon the two points, and to be guided by the nature of that decision as to whether I should address a note to Mr. Fish upon the subject. If, however, your Lordship should be of opinion that this step had better be taken at once, I would suggest the expediency of your

Lordship instructing me to do so by telegraph. It may be that circumstances may arise even before this despatch shall reach your Lordship, which may render it advisable that I should not delay in addressing Mr. Fish with regard to the question at issue.

I am unable to forward to your Lordship more than one copy of the inclosed pamphlet, but I am requesting Mr. Archibald to endeavour to obtain some more copies, and to forward them by the same steamer.

I have, &c.,

*The Earl of Derby.*

EDWD. THORNTON.

*(Inclosure.)—Plea, Replication, Rejoinder, and Demurrer in the case of the United States against Charles L. Lawrence.*

*The Earl of Derby to Colonel Hoffman.*

SIR,

*Foreign Office, March 29, 1876.*

I REFERRED to Her Majesty's Secretary of State for the Home Department your note of the 22nd instant, applying for the extradition of Charles J. Brent, accused of the crimes of forgery and the utterance of forged paper within the jurisdiction of the United States of America; and I have the honour to state to you that I have been informed in reply that Mr. Secretary Cross has issued an order under his hand and seal requiring the Chief Magistrate of the Metropolitan Police Courts, or other Magistrate of the Metropolitan Police Court in Bow Street, to proceed in the case in conformity with the provisions of the Extradition Acts of 1870 and 1873.

I have, &c.,

*Colonel Hoffman.*

DERBY.

*The Earl of Derby to Colonel Hoffman.*

SIR,

*Foreign Office, April 11, 1876.*

WITH reference to previous correspondence respecting the extradition of Ezra D. Winslow, and especially to the letter I had the honour of addressing to you on the 8th ultimo, in which I stated to you, for the information of the United States' Government, that Her Majesty's Government would not feel themselves justified in authorizing the surrender of that prisoner until they should have received the assurance of your Government that he should not, until he has been restored or had an opportunity of returning to Her Majesty's dominions, be detained or tried in the United States for any offence committed prior to his surrender other than the extradition crimes proved by the facts on which the surrender would be grounded, I have now the honour to call your attention to the inclosed copy of a telegram which appeared in the "Daily News" of

the 29th ultimo, and which I have ascertained from Her Majesty's Legation at Washington to be substantially correct; and to request that you will be good enough to ascertain from your Government, for the information of Her Majesty's Government, whether the District Court at New York has the power to carry out the decision it is reported to have arrived at, viz., that the forger Lawrence, who was surrendered to the United States' Government under Article X of the Treaty of 1842, can be tried for other offences besides those mentioned in the waraant.

In this country the Attorney-General would enter a *nolle prosequi*, and so put a stop to further proceedings in any prosecution; but Her Majesty's Government are not aware whether the Attorney-General of the United States has similar powers. The reported language of the District Court leads them to think that he has not.

If so, it would, in the opinion of Her Majesty's Government, be nugatory to enter into an arrangement such as I had the honour of proposing to you in my letter to you of March 8, above alluded to; and Her Majesty's Government see no solution of the present difficulty but the passing of an Act of Congress which, while recognizing the acknowledged principle of international law that a fugitive can only be tried for the crime or crimes for which he was surrendered, will enable the Government of the United States to guarantee that the condition which Her Majesty's Government are compelled to require under section 3, sub-section 2, of the Act of 1870, will be complied with.

With regard to future difficulties which may possibly arise on the general subject of extradition, Her Majesty's Government can see but one satisfactory solution, namely, the conclusion of a more comprehensive Treaty between the two countries, and one more suited to the requirements of the day than the existing arrangement.

I have, therefore, to request that you will express to your Government the hope of Her Majesty's Government that the negotiation of a Treaty which will be so beneficial to the interests of the two nations may be renewed as soon as possible.

In conclusion, I have the honour to remind you that, under the provisions of the 12th section of the Extradition Act of 1870, a fugitive cannot be detained in custody longer than two months from the date of his committal, unless the Secretary of State can show sufficient cause for further detention; and that, therefore, however much they may regret being unable to comply with the wishes of your Government respecting the surrender of Winslow, they will be unable to detain him in custody beyond that specified time.

I have, &c.,

Colonel Hoffman.

DERBY.

(*Inclosure.*)—*Extract from the "Daily News" of March 29, 1876.*

*New York, Tuesday, March 28, 1876.*

THE United States' District Court of New York has decided that the forger Lawrence, who was brought from England under the Extradition Treaty, can be tried for other offences besides those mentioned in the warrant. The Court cannot regard the order of the President to the contrary, or take notice of any agreement between the English and American Governments to that effect.

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*Sir E. Thornton to the Earl of Derby.—(Received April 16.)*

MY LORD,

*Washington, April 3, 1876.*

WITH reference to my despatch of the 18th ultimo, I have the honour to inform your Lordship that, on the 28th ultimo, Judge Benedict gave his decision in the case of the forger Lawrence with regard to the plea put in by the accused, that the indictment showed an intention to try him for crimes other than those for which he was surrendered by Her Majesty's Government.

I have now the honour to inclose three different newspaper reports of Judge Benedict's decision. The one contained in the "New York Herald" is the most complete. I have, however, requested Mr. Archibald to procure me an accurate copy of the decision, which I hope to receive in a day or two.

Your Lordship will observe that the Judge states that there is nothing in the Treaty of 1842 which grants to the accused immunity from being tried for crimes other than those for which he was surrendered. It may be that the letter of the Treaty contains no positive stipulation that the accused should not be tried for any other than the extradition crime, but its spirit certainly is that he shall be delivered up to justice only for the crime specified in the Treaty for which he was surrendered.

The learned Judge speaks, if his decision be correctly reported, of the Act of Congress of 1848 as being "expressly limited to cases of lawless violence." The Act of 1848 contains nothing about "lawless violence." Judge Benedict seems to have confounded it with the Act of March 3, 1869, which uses the words "lawless violence;" and, in doing so, he passes over the really strong point of the Act of 1848, by which the Secretary of State is authorized to order the person committed to be delivered up "to be tried for the crime of which such person shall be so accused." But even any one who carefully reads the Act of March 3, 1869, must see that Congress contemplated the trial of the accused only for or on account of the crimes and offences specified in the warrant of extradition.

I have the honour to inclose copy of an extract from a warrant

of extradition which Mr. Fish issued, at my request, on the 24th ultimo, in which it is stated, in accordance with the usual form, that the prisoner is to be delivered up "to be tried for the crime of which he is accused."

I have already stated to your Lordship, in my despatch of the 14th of February last, that Mr. Carlisle was of opinion that the various counts of the indictment against Lawrence substantially charged him with that crime only for which he was surrendered, and that I had not, therefore, thought it expedient to protest against his being tried under that indictment.

I understand that Lawrence was called upon to plead to this indictment on the 1st instant, but, by the advice of his counsel, refused to do so. The Court directed a plea of "not guilty" to be entered, and set the trial down for the second Wednesday in May.

I have, &c.,

*The Earl of Derby.*

EDWD. THORNTON.

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*(Inclosure).—Extract from United States' Warrant of Extradition.*

Now, therefore, pursuant to the provisions of section 5272 of the Revised Statutes of the United States, these presents are to require the United States' Marshal for the Eastern District of New York, or any other public officer or person having charge or custody of the aforesaid James Bowen, *alias* William Miller, to surrender and deliver him up to Adam Bligh, a constable of the united counties of Stormont, Dundas, and Glengarry, Canada, who has been authorized, in the name and on behalf of the British Government, by Her Majesty's Minister at this capital to receive him, or to any other person or persons who may in like manner be authorized, in the name or on behalf of the said Government, to receive the said James Bowen, *alias* William Miller, to be tried for the crime of which he is accused.

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*Sir E. Thornton to the Earl of Derby.—(Received April 16.)*

MY LORD,

*Washington, April 8, 1876.*

In consequence of some articles which have been published in the American newspapers relative to the objection made by Her Majesty's Government to the extradition of the forger Winslow, unless an engagement should be taken by the United States' Government that he should be tried only for the crimes for which he would be surrendered, Mr. Faulkener, of the Committee on Foreign Relations, submitted to the House of Representatives, on the 30th ultimo, a resolution of inquiry upon the subject.

It was to the effect that the Committee on Foreign Affairs be instructed to inquire whether there be any conflict of construction



between the Government of Great Britain and of the United States in reference to the Extradition Treaty of 1842, and whether, if any, what legislation is proper by Congress to remove any difficulties, if such exist, in the execution of said Treaty; and the Committee is authorized to call upon the Secretary of State for all recent correspondence touching the subject of this inquiry.

The resolution was agreed to by the House.

I have, &c.,

*The Earl of Derby.*

EDWD. THORNTON.

*Colonel Hoffman to the Earl of Derby.—(Received April 22.)*

MY LORD, *Legation of the United States, London, April 21, 1876.*

REFERRING to General Schenck's note to Lord Granville of the 2nd of December, 1871, I have now to inform you that William E. Gray, *alias* James Payne Morgan, *alias* George Collenzo, has been arrested, examined, and this day committed to the House of Detention to await his extradition under Article X of the Treaty of 1842; and I have to ask that he may be surrendered, under the provisions of the said Treaty, on the charges of forgery and the utterance of forged paper, and delivered to Mr. Samson, who is duly authorized by the President of the United States to receive and convey him to New York, where he may be put upon his trial.

In addition to the copy of the Bill of Indictment, forwarded in the note of General Schenck above referred to, I now hand you, herewith, a copy of another true bill of indictment against the said Gray for forging and uttering certain other bonds, which has been submitted in evidence before the committing Magistrate at Bow Street.

I have, &c.,

*The Earl of Derby.*

WICKHAM HOFFMAN.

*Sir E. Thornton to the Earl of Derby.—(Received April 24.)*

MY LORD,

*Washington, April 10, 1876.*

WITH reference to my despatch of the 3rd instant, I have now the honour to inclose copy of decision pronounced by Judge Benedict with regard to the plea put forward by Lawrence that the indictment charged him with crimes other than those for which he was surrendered by Her Majesty's Government, and for which, therefore, he could not be tried.

I regret that the copy which was sent me seems to have been most carelessly made and to be full of errors; yet I was called upon to pay 5 dollars for it, which I venture to ask that I may be allowed to charge in the quarterly account of the extraordinary disbursements of the Mission.

Your Lordship will perceive that the Judge asserts that there is

no language in the Treaty of 1842 which confers upon the accused any immunity such as that which he claims, where he states that the Act of Congress of 1848 is a general law intended for the protection of extradited offenders, but that the protection it confers is expressly limited to cases of lawless violence; the date 1848 is either an error in the copy, or the Judge meant to refer to the Act of 1869.

The circumstances which gave rise to the passage of this last-mentioned Act were reported to your Lordship in my despatches of the 14th December, 1868, and of the 21st of the same month, and to Lord Clarendon in my despatch of February 6, 1869.

Judge Benedict subsequently quotes the wording of the Act of 1848, in which it is enacted that the prisoner is to be delivered up "to be tried for the crime of which such person shall be so accused," and yet notwithstanding this phrase he pronounces that it does not prevent the accused from being tried for crimes other than those for which he was surrendered.

He also insists that the Act of Parliament of 1870 does not limit the operation of the Treaty of 1842, and that there was no agreement between the two Governments for any such limitation. The Judge cites cases in which the right to try surrendered criminals for other offences has been exercised both in England and the United States without question from either Government.

The Judge, however, finally throws the responsibility upon the Government of the United States, when he says, that if an agreement exists between that Government and the Government of Great Britain such as is set forth in the plea, the performance thereof is within the power of the Government by reason of its legal control over the prosecuting officer.

I have, &c.,

*The Earl of Derby.*

EDWD. THORNTON.

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*The Earl of Derby to Colonel Hoffman.*

SIR,

*Foreign Office, April 29, 1876.*

WITH reference to your note of the 20th instant, I have the honour to state to you that the question of the extradition of Winslow and of the other two persons now in custody on the requisition of the United States' Government has been again considered by Her Majesty's Government, and that they have come to the conclusion that it will not be in their power to surrender the prisoners unless an assurance is given by the United States' Government that they will not be tried in the United States for any offence committed prior to their surrender, other than the extradition crimes proved by the facts on which the surrender would be granted.

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The period allowed by law for the detention of Winalow expires on the 3rd of May, and for that of Brent and Gray on the 28th of May and 21st of June respectively, and they cannot be detained after those dates unless good cause can be shown by Her Majesty's Secretary of State for the Home Department for their further detention.

I shall have the honour of sending a detailed answer to your note in a few days, but I have thought it right to inform you at once of the decision of Her Majesty's Government in order that you may have time to communicate with your Government before the release of the prisoner Winalow.

I have, &c.,

Colonel Hoffman.

DERBY.

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*Colonel Hoffman to the Earl of Derby.—(Received May 1.)*

MY LORD, *Legation of the United States, London, April 29, 1876.*

REFERRING to my note of the 20th instant,\* I have the honour to inclose to you herewith, under the instructions of Mr. Fish, a copy of his despatch of March 31, upon which my note was based.

I beg to assure your Lordship that both Mr. Fish and I understand and appreciate the sad circumstances which have prevented your Lordship from receiving me, with a view to my reading to you the despatch of Mr. Fish.

In forwarding this despatch I am instructed to say that it is done in the hope of still preserving the Treaty, and with the further hope that your Lordship will find therein sufficient cause to prevent the discharge of Winslow, and to order his surrender under Article X of the Treaty of 1842, and in accordance with the requisition of the United States.

I am further instructed to say that while my Government cannot recognize the Act of 1870 as controlling extradition under the Treaty, still as Her Majesty's Government claims to be bound thereby, Mr. Fish hopes that your Lordship will see in the 12th section of that Act authority for your intervention to cause the surrender of Winslow in accordance with the Treaty.

I have, &c.,

*The Earl of Derby.*

WICKHAM HOFFMAN.

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*(Inclosure.)—Mr. Fish to Colonel Hoffman.*

SIR, *Department of State, Washington, March 31, 1876.*

REFERRING to previous correspondence in reference to the extradition of Winslow, in custody in London, I have now to acknowledge the receipt of your letter under date of the 10th March, inclosing a note addressed to you by Lord Derby of the 8th March, and your reply of the same day.

\* This note was withdrawn. See Page 841.

With General Schenck's letter was inclosed a note from Lord Derby dated the 29th February, in which it was stated that Her Majesty's Secretary of State for the Home Department had drawn attention to sub-section 2 of the 3rd section of the British Extradition Act of 1870, and feared that the claim by this Government of the right to try Lawrence (who had been recently surrendered) for crimes other than that for which he had been extradited, amounts to a denial that any such law as is referred to in the British Act exists; and the disclaimer of this Government of the existence of any implied understanding, in respect to trial for crimes other than extradition crimes, together with the interpretation put upon the Act of Congress of August 12, 1842 (which is doubtless an error for 1848), preclude any longer the belief in the existence of an effective arrangement, which Her Majesty's Government had previously supposed to be practically in force: and it was added that the Secretary for the Home Department was compelled to state that if he were correct in considering that no such law exists, he would have no power, in the absence of an arrangement, to order the extradition of Winalow, even although proper proceedings had been taken for that purpose.

Lord Derby called General Schenck's attention to the intimation which he had received from the Home Department, and requested that the matter be brought to the knowledge of this Government.

It is to be remarked, however, that in this note the Foreign Office, as distinguished from the Home Office, expressed no opinion on the question involved, but confined itself to requesting that the views of the Home Office might be communicated to this Government.

A few days later, however, on the 8th of March, Lord Derby assumes the more advanced position previously occupied only by the Home Department, and writes as follows: "Her Majesty's Government do not feel themselves justified in authorizing the surrender of Winalow until they shall have received the assurance of your Government that this person shall not, until he has been restored, or had an opportunity of returning to Her Majesty's dominions, be detained or tried in the United States for any offence committed prior to his surrender, other than the extradition crimes proved by the facts on which the surrender would be grounded," and requesting that this decision be communicated to this Government.

To his note you made reply under date of the 8th March, referring to the general practice for many years under the Treaty, and calling attention to the reconstruction given to the 7th section of the Act of 1870, in the case of Bouvier.

No further correspondence has reached this Government, and the matter rests upon this note of Lord Derby, and your reply.

The reasons given by Lord Derby for the course intimated in his note arise, as he states, from what had taken place in this country in the Lawrence case, and the positive terms of section 3, sub-section 2, of the British "Extradition Act" of 1870.

Moreover, it has been stated that the Home Office had even gone further, and had expressed the opinion that, not only had some implied understanding been reached as to the particular crime for which Lawrence should be tried, but that it would be in violation of the law of the United States, and of the general laws of extradition of all countries, to try any prisoner for any other crime than the particular extradition offence for which he had been surrendered.

With regard to any such understanding, either expressed or implied by any authorized declaration or engagement of this Government, no evidence is adduced—none can be adduced. This Government asked the surrender of Lawrence, precisely as it has asked the surrender of all other fugitives who have been delivered by Great Britain under the Treaty of 1842, complying on its part with the requirements of the Treaty; and neither by expression, nor by implication, entering into any arrangement; but merely requiring the fugitive to be "delivered up to justice." It furnished such evidence of criminality as, according to the laws of Great Britain, where the fugitive was found, would have justified his apprehension and commitment for trial, if the crime or offence had been there committed.

Great Britain recognized the compliance by this Government with all that the Treaty required, and delivered the fugitive up to justice.

The allusion made by the Home Office to the case of Lawrence needs possibly a passing remark. Charles L. Lawrence is charged with a series of forgeries whereby the Government of the United States claims to have been defrauded to an amount of not far short of 2,000,000 dollars on Custom-house entries. He is supposed to have numerous and influential confederates, both in this country and in England, who are suspected of having shared in the spoils resulting from these alleged frauds upon this Government. A large number of indictments have been found against Lawrence, and proceedings either civil or criminal are either pending or imminent against supposed accomplices. It is supposed that prosecution of these cases might possibly disclose names on either side of the Atlantic, in connection with the alleged frauds, not yet brought before the public.

In the spring of 1875 Lawrence fled and escaped to Europe, and was arrested under the assumed name of Gordon at Queens-town, on a requisition for his surrender under the Treaty. There were proved (as I am informed) before Sir Thomas Henry, in

London, 12 or 13 distinct charges of forgery, each on papers connected with a different invoice of goods. The Representative of this Government supposed the extradition was made on all the charges; but the letter or report of Sir Thomas Henry to the British Home Office led to the issue of a warrant of surrender of Lawrence on a single charge of forging a bond and affidavit, on which warrant the keeper of the gaol delivered Lawrence to the agent appointed by the President to receive him; the terms of the warrant were not known to any agent or officer of this Government (as is represented to me) until long after Lawrence's return to the United States. His counsel and friends appear to have been apprised of the fact that, although proof was presented on some 12 or 13 charges of forgery, the warrant of surrender seems to be confined to the forging a bond and affidavit. Up to this date Lawrence has been arraigned only upon one indictment based on the forging of the bond and affidavit mentioned in Sir Thomas Henry's report to the Home Office, and he has not been arraigned for any offence other than the extradition crimes, proved by the facts in evidence before Sir Thomas Henry, and on which his surrender was based.

Although not arraigned on any other indictment than for the forgery for which he was extradited, the British Home Office has raised the question that he may possibly be tried upon other charges and for other crimes.

It seems, therefore, that the Home Office of Great Britain undertakes to decide what is the law of the United States, as well as of Great Britain, and assumes that the law of the United States, as well as general law of extradition, and the "Extradition Act" of Great Britain, prevent the trial of a criminal surrendered under the Treaty of 1842, for any other offence other than the particular offence for which he was extradited; and the position which it takes, involves the assumption that, in demanding an extradition under the Treaty, the United States is bound by the provisions of the Act of 1870, whether in conflict with the Treaty or not, and it claims to have "supposed" that an "effective arrangement was in force" that no criminal so surrendered should be tried for any other than the particular extradition offence; on the faith of which arrangement it is claimed that surrenders have heretofore been made, and without which it is now said that a surrender would not be possible under the English Act; but, as already said, nothing is adduced in support of the belief of the existence of such supposed arrangement.

These positions are so different from the understanding of this Government, and so opposed to the views which it was supposed were entertained by Great Britain, and which have been recorded in

Parliamentary papers, which have been asserted in diplomatic correspondence, and been recognized in judicial decisions in that as in this country, and set forth by writers on extradition law, that I learn from Lord Derby's note with surprise, equal to my regret, that they appear to be supported by the Foreign Office.

The Act of August 12, 1848, reproduced in the Revised Statutes (section 5,270 to 5,276), referred to in the correspondence, does not affect or limit the rights of the two Governments on the question.

This Act is simply a general Act, for carrying into effect Treaties of Extradition. It provides the machinery, and prescribes the general mode of procedure, but does not assume to determine the rights of the United States, or of any other State, which are governed wholly by the particular provisions of the several Treaties; nor to limit or construe any particular Treaty.

In some few Treaties between the United States and foreign countries, provisions exist that the criminal shall not be tried for offences committed prior to extradition, other than the extradition crime; and in others no such provision is included.

Again, under some Treaties the citizens or subjects of the Contracting Powers are reciprocally exempt from being surrendered, while others contain no such exception. The United States' Act of 1848 is equally applicable to all these differing Treaties. If the surrendered fugitive is to find immunity from trial for other than the offence named in the warrant of extradition, he must find such immunity guaranteed to him by the terms of the Treaty, not in the Act of Congress. The Treaties which contain the immunity from trial for other offences have been celebrated since the date of the Act of 1848. At that date the United States had Treaties of Extradition only with Great Britain and with France, neither of which contained the limitation referred to.

The terms of the respective Treaties alone define or can limit the rights of the Contracting Parties.

The construction of the Treaty between the United States and Great Britain by the two Governments, and their practice in its enforcement for many years, were in entire harmony.

In each country surrendered fugitives have been tried for other offences than those for which they had been delivered, the rule having been that where the criminal was reclaimed in good faith, and the proceeding was not an excuse or pretence to bring him within the jurisdiction of the Court, it was no violation of the Treaty, or of good faith, to proceed against him on other charges than the particular one on which he had been surrendered. The judicial decisions of both countries affirm this rule. It was so held in a case of inter-State extradition by Judge Nelson in *Williams v.*

Bacon (10 Wendell, 636), and the same principle was laid down by the Court of Appeals of New York in a late case of *Adriance v. Lagrave* who had been delivered up under the Treaty with France. In *United States v. Caldwell* (8 Blatchford, Cir. Ct., Rep. 181), Caldwell, after extradition from Canada for forgery in 1871, was indicted for bribing an officer; and the plea was entered that the prisoner was brought within the jurisdiction of the Court upon a charge of forgery under the Treaty, and that the offence specified in the indictment was not mentioned in the Treaty.

A demurrer being interposed, the Court decided the prisoner had been extradited in good faith, charged with the commission of a crime, and must be tried.

In the case of *Burley*, extradited from Canada on a charge of robbery, the prisoner was tried on assault with intent to kill.

In the case of *Heilbronn*, who was extradited from this country for forgery, and tried in Great Britain for larceny, the facts, as stated by the Solicitor-General of Great Britain, who had charge of the proceedings, and who was examined before the late British Commission on the extradition question, were, that the prisoner being extradited for forgery was acquitted, and was thereupon tried and convicted for larceny, an offence for which he could not have been surrendered, not being enumerated in the list of crimes mentioned in the Treaty.

In Canada there is the same current of authority.

In the case of *Von Earnam* (*Upper Canada Reports*, 4 c., p. 288), the prisoner was surrendered by the United States to Canada upon the charge of forgery, and application was made for release on bail, on the ground that the offence was at most the obtaining of money under false pretences, and not within the Treaty. *Macaulay, C. J.*, said, in denying the motion, that he was disposed to regard the offence as forgery, but even if the offence were only false pretences, after "being in custody, he is liable to be prosecuted for any offence which the facts may support."

In *Paxton's case* (10 *Lower Canada Jurist*, 212, 11, 852), the prisoner was charged with uttering a forged promissory note. He pleaded that he had been extradited upon the charge of forgery, and could not be tried for uttering forged paper, or for any other than the extradition offence. The Court decided that the trial should proceed. The prisoner thereupon protested against being called upon to plead to any other charge than that for which he was extradited, but he was tried, found guilty, and the conviction affirmed on appeal.

In addition to the foregoing, Judge Benedict, in his opinion in *Lawrence's case*, delivered within a few days past, entirely coincides in these views, and the Solicitor-General of the United States, in



his opinion in Lawrence's case, dated July 16, 1875, reaches the same conclusions.

An examination of the Report of the Select Committee on Extradition of the House of Commons, which sat in 1868, under whose superintendence the Extradition Law of 1870 was framed, and which was composed of some of the most distinguished public men of Great Britain, among whom were the Solicitor-General, Mr. Mill, Mr. Forster, Sir Robert Collier, and Mr. Bouverie, shows that the law of the United States, and the practice in regard to extradition, were perfectly well understood, and they are distinctly referred to on several occasions.

Mr. Hammond, now Lord Hammond, for many years Under-Secretary of State, in speaking of Burley's case, stated that, as it was suggested that the prisoner, who had been surrendered on a charge of robbery, was about to be tried for piracy, the matter had been referred to the Law Officers of the Crown, and that it was held that if the United States put him *bonâ fide* on his trial for the offence for which he was extradited, it would be difficult to question their right to try him for piracy, or any other offence of which he might be accused, whether such offence was or was not a ground of extradition, or even within the Treaty; and added, "we admit in this country that if a man is *bonâ fide* tried for an offence for which he was given up, there is nothing to prevent his being subsequently tried for another offence either antecedently committed or not" (answer 1036).

Mr. Mullens, an eminent member of the bar, who was counsel in the Lawrence case, in reply to a question of Sir Robert Collier, said that in his opinion a surrendered criminal ought to be tried for an offence other than the extradition offence arising from the same facts; and Mr. Forster (question 1214), considering the propriety of the proposed stipulation, that a person should be tried for no other offence than the extradition offence, said: "The Americans do not make that stipulation, or else you would not have been able to try Heilbronn for another offence," to which Mr. Mullens responded, "No, there is no stipulation of that kind in the case of America."

Mr. Mill thereupon said (question 1216), "As I understand it, the Treaty with America would not prevent our trying a man for a different offence from that for which he had been given up," to which Mr. Mullens replied, "It would not; there is no stipulation that he shall not be tried for any other offence." Then follows question 1217: "Would you wish to extend that state of things to other countries?" and the reply: "With regard to America I have never found any difficulty about it," &c.

So far as can be ascertained, there was absolutely no dissent at any time from these views as to the law and practice under the

Treaty, and the only question seemed to be whether it was wise to attempt to change them.

Mr. Clarke (an eminent British authority), in his Treatise on Extradition, says: "It was quite clear that neither the Treaty nor the Law of the United States contains the provisions of the Extradition Act of 1870." It would appear, therefore, by the judicial decisions, by the practice of both Governments, and by the understanding of the persons most familiar with proceedings in such cases, and the most competent to judge, that where a criminal has been in good faith extradited for an offence within the Treaty, there is no agreement, express or implied, that he may not also be tried for another offence of which he is charged, although not an extradition offence. He is, in fact (in accordance with the language of the Treaty) "delivered up to justice;" and in the absence of any limitation by Treaty, to "justice" generally, each independent State being the judge of its own administration of justice. Surely Great Britain will not allow the Legislature of another State to prescribe, or to limit, the cases or the manner in which justice is to be administered in her Courts, and she will not expect the United States to be less tenacious of its independence in this regard.

Now, for the first time since the signing of the Treaty of 1842, Great Britain raises the question of her right to demand from the United States, as a condition of the execution by Great Britain of her engagement to surrender a fugitive criminal charged with a series of stupendous forgeries, a stipulation or agreement, not provided for in the Treaty, but asked on the ground that an Act of Parliament passed some 28 years after the Treaty has been in force, prescribes it as one of the rules or conditions which should apply to arrangements for extradition, when made with a foreign State.

This involves the question whether one of the parties to a Treaty can change and alter its terms, or construction, or attach new conditions to its execution, without the assent of the other; whether an Act of Parliament of Great Britain, passed in the year 1870, can change the spirit or terms of a Treaty with the United States of nearly 30 years anterior date, or can attach a new condition to be demanded of the United States before compliance by Her Majesty's Government with the terms of the Treaty as they have been shown to have been uniformly understood and executed by both Governments for the third of a century.

As this Government does not recognize any efficacy in a British Statute to alter or modify, or to attach new conditions to the executory parts of a previously existing Treaty between the United States and Great Britain, I do not feel called upon to examine particularly the provisions of the Law of 1870. But inasmuch as Great Britain seeks to impose the provisions of that Act upon the

United States in the execution of a Treaty of many years anterior date, I do not fail to observe that while by the Act Great Britain assumes to require that no surrendered fugitive shall be tried in the country which demands his extradition for "any offence other than the extradition crime" (in the singular), proved by the facts on which the surrender is grounded, she reserves to herself the right to try a fugitive surrendered to her for such crimes (in the plural), as may be proved by the facts on which the surrender is grounded.

This does not seem to be wholly reciprocal, and if the United States were disposed to enter into a Treaty under this Act, it might expect some greater equality of right than a cursory examination of this provision in the Act seems to provide.

It is quite well known that after the passage of the Act of 1870, an effort was made to enter into a Treaty with Great Britain which should enlarge the number of extradition offences, and otherwise extend the provisions of the existing Treaty.

At the outset it was apparent that the Act of 1870 was not an Act to carry into effect Treaties or Conventions for extradition, as is the United States' Act of 1848, but one providing a system to which all subsequent Treaties of Extradition must be adapted, and which could be applied to enforce Treaties or arrangements made subject to its provisions.

This Government was unable to agree to any arrangement based on the provisions of the Act of 1870, and in a note addressed to Sir Edward Thornton, the British Minister, under date of January 27, 1871, he was informed that "this Government understands the 27th section of the Extradition Act of 1870 as giving continued effect to the existing engagements for the surrender of criminals. Imperfect as they are, in view of the long coterminous frontier between British North America and the United States, we must be content to suffer the inconvenience until Parliament shall put it in the power of Her Majesty's Government to propose a more comprehensive and acceptable arrangement."

The British Government was thus distinctly and formally advised of the position and of the views of the United States, and no exception thereto has been expressed.

A further effort to effect a Treaty was made in 1873, after the passage by the British Parliament of an Act amending the Act of 1870, which resulted in failure from precisely similar reasons.

This failure to negotiate a new Treaty arose solely because the United States could not accept as a part of it some of the provisions of the Act of 1870, and preferred to go on under the Treaty of 1842, as theretofore construed, and practically carried into effect by each Government; and thus we have proceeded up to the present time.

In support of the construction which this Government in 1871, in the note to Sir Edward Thornton above referred to, gave to the 27th section of the Extradition Act, it appears that when the Court of Queen's Bench was called to pass upon the very question in the case of *Bouvier* (27 *Law Times*, N. S. 844), the Attorney-General stated that the intention had been to make a general Act, which should apply to all cases except where there was anything inconsistent with the Treaties referred to. So far as the point was passed on, the Lord Chief Justice expressed the opinion that it was the intention, while getting rid of the statutes by which the former Treaties were carried out, at the same time to save those Treaties in their full integrity and force, and that the result had been accomplished. One of the other Justices thought the question somewhat doubtful, and the third agreed with the Chief Justice. The Solicitor-General of the United States, in his opinion in *Lawrence's* case given in August of last year, reached the same conclusion, that the Treaty was not affected by the Act.

It cannot be readily believed that Parliament intended by the Act of 1870 to claim the right to alter the Treaties in existence without notice to the other Governments, or to impose new conditions upon foreign Governments seeking extraditions under Treaties in existence prior to that Act.

The United States has declined to become subject to the British Act of 1870, and with knowledge of this the Government of Great Britain has continued constantly to ask and obtain extraditions under the Treaty of 1842, and since the refusal of the United States to negotiate a new Treaty under the provisions of that Act.

Since the passage of the Act of 1870, Great Britain has obtained from this Government some 13 warrants of extradition, and has instituted a much larger number of proceedings to obtain extradition. In no instance has Great Britain thought it necessary to tender any such stipulation as she now asks from the United States, or to present her requests for extradition in any way different from that in which they were presented prior to 1870. The United States in the same time have instituted numerous proceedings, and at this moment have three criminals in London in custody upon charges of forgery, whose extradition this Government is seeking in the usual manner provided by the Treaty.

During this period no intimation has reached this Government that the Treaty of 1842 was not in full force, or that the Act of 1870 was claimed to limit its operation, or to impose upon this Government the necessity either of changing its laws, or of giving stipulations not known to the provisions of the Treaty, and not heretofore suggested, nor has any representation been made to this Government by that of Great Britain, on account of any proceedings taken

in the case of Lawrence, mentioned in the opinion attributed to the Home Office, in the note of Lord Derby to General Schenck before referred to.

- But now, with three important cases pending in London at the present time for extradition, in one of which at least all the formalities have been complied with, we are informed in substance that it had been supposed up to the present time, by the British Home Office, that our law as to trials for other than extradition offences was in agreement with the law of 1870; but finding it to be otherwise, we are confronted with the requirement of a stipulation in order to obtain what is guaranteed by the Treaty of 1842, whereby the United States must recognize the right of the British Parliament by statute to change existing executory Treaties, and to impose upon this Government conditions and stipulations to which it had not given its assent.

As relates to the particular case of the fugitive Winslow, there is not, so far as I am aware, any intention of trying him for any offence other than those on which indictments were transmitted, and for which his surrender was demanded; but the United States will give no stipulation of which the Treaty does not authorize the demand.

As the stipulation or condition is demanded by Great Britain as a right, the right of the demand must be established.

The President regrets that a condition which, in his judgment, is without any justification under the Treaty should have been asked. He regards the question thus presented as of a grave and serious character, on the final solution of which must probably depend the continuance of the Extradition Article of the Treaty of 1842. He cannot recognize the right of any other Power to change at its pleasure, and without the assent of the United States, the terms and conditions of an executory agreement in a Treaty solemnly ratified between the United States and that Power. He thinks that the 27th section of the British Act of 1870 was specially intended to exempt the Treaty with the United States from the application of any of the new conditions or provisions embodied in that Act, and to leave that Treaty to be construed, and the surrender of fugitives thereunder to be made, as had been previously done. He hopes that on a further consideration Her Majesty's Government will see, in the section referred to, the effect which he supposes it was designed to have; but he recognizes that it is for the British Government to construe and enforce its own statutes; and should Her Majesty's Government finally conclude that the British Parliament has attached a new condition to the compliance by that Government of its engagement with the United States, under Article X of the Treaty of 1842, relating to extradition, requiring

from the United States stipulations not provided for or contemplated in the Treaty, he will deeply regret the necessity which will thereby be imposed upon him ; and he does not see how he can avoid regarding the refusal by Great Britain to adhere to the provisions of the Treaty as they have been reciprocally understood and construed from its date to the present time, or the exaction by that Government of a condition heretofore unknown, as the infraction and termination of that provision of the Treaty.

You are not authorized to enter into any stipulation or understanding as to the trial of Winslow, in case he be delivered up to justice. His surrender is asked under and in accordance with the provisions of Article X of the Treaty between the United States and Great Britain of the 9th of August, 1842. He is charged with a crime included within the list of crimes enumerated in the Treaty ; that crime was committed within the jurisdiction of the United States, and he has sought an asylum, and been found, within the territories of Great Britain, and the United States have produced such evidence of his criminality as, according to the laws of Great Britain, would justify his apprehension and commitment for trial if the crime or offence had been committed in Great Britain.

You will communicate the substance of this to Lord Derby, and, should he desire it, you may read it to him.

I am, &c.,

Colonel Hoffman.

HAMILTON FISH.

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*Colonel Hoffman to the Earl of Derby.—(Received May 1.)*

MY LORD, *Legation of the United States, London, May 1, 1876.*

REFERRING to your note of the 11th April, and to mine of the 20th, I have the honour to request that your Lordship will take such steps as shall lead to the detention of the fugitive Winslow in custody until I shall have received your Lordship's answer to my note, and have had time to communicate it to Mr. Fish, and to receive his instructions in reply.

I make this request in the interest of justice, and with the earnest hope that means may be found of settling the question unfortunately in dispute between our two Governments, and of thus preserving the Treaty, and of avoiding the turning of great criminals loose upon society to recommence their career of crime.

I have, &c.,

*The Earl of Derby.*

WICKHAM HOFFMAN.

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*Sir E. Thornton to the Earl of Derby.—(Received May 1.)*

(Telegraphic)

*Washington, May 1, 1876.*

MR. FISH requests me to convey to your Lordship the regret of the United States' Government that it is out of its power to give

the assurance which you stated in your note of the 29th ultimo to Colonel Hoffman would be required by Her Majesty's Government before they can give up Winslow and the other prisoners.

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*The Earl of Derby to Colonel Hoffman.*

SIR,

*Foreign Office, May 2, 1876.*

WITH reference to my letter of yesterday, I have the honour to inclose for your information a copy of a notice just received from the Home Office, which has been addressed to that Department by Messrs. Wontner and Sons, Solicitors, stating that an application will be made to-morrow at 12 o'clock to a Judge at Chambers for the issue of a writ of *habeas corpus* in the case of E. D. Winslow.

In forwarding this notice the Secretary of State for the Home Department has informed me that he will endeavour to show cause why the prisoner should not be set at liberty, but that he is unable to guarantee the result.

I have, &c.,

Colonel Hoffman.

DERBY.

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*Colonel Hoffman to the Earl of Derby.—(Received May 3.)*

MY LORD, *Legation of the United States, London, May 3, 1876.*

REFERRING to our correspondence upon the subject of Winslow, and especially to my note of the 20th ultimo, I have the honour to call your Lordship's attention to two recent decisions in Canada, which have been sent me by Mr. Fish, with instructions to communicate them to you.

Your Lordship will perceive that the conclusions reached by the Canadian Courts in both cases appear fully to agree with the position taken by the United States' Government in this matter.

I have, &c.,

*The Earl of Derby.*

WICKHAM HOFFMAN.

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*The Earl of Derby to Colonel Hoffman.*

SIR,

*Foreign Office, May 4, 1876.*

I HAD the honour of informing you in my note of the 29th ultimo, that Her Majesty's Government having again considered the question of the extradition of Winslow and of the other two persons in custody on the requisition of the United States' Government, had come to the conclusion that it would not be in their power to surrender them unless an assurance were given by the United States' Government that they would not be tried for any other offence than the extradition crimes on which the surrender would be granted, and that the prisoners could not be kept in confinement beyond the dates fixed by law for their detention.

I shall have the honour, in the present note, of informing you of

the grounds on which this conclusion was based, and I will first consider the present position of the question as represented in the latter part of your note of the 20th ultimo, in which you state that "in 1842 a Treaty for the surrender of fugitive criminals was made between the United States and Great Britain. Under it, for nearly 30 years, fugitives were delivered up on both sides, and tried for crimes not named in the warrant by either party without remonstrance from the other."

While assenting to the first part of this paragraph, Her Majesty's Government take exception to the second, and assert that there is no case within the knowledge of Her Majesty's Government in which a prisoner was surrendered by England for one offence and tried by the United States for a different one. The case of Heilbronn, where it is alleged that a prisoner was surrendered by the United States for one offence and tried for a different one here, was a private prosecution, and no evidence can be found of the attention of the Government having been called to it.

As far, moreover, as the language of the Statutes in both countries passed for the purpose of giving effect to the Treaty of 1842 is concerned, it shows that though that Treaty contained no express stipulations on the question of the trial of persons surrendered under it for crimes other than the extradition crimes of which they were accused before the surrendering authorities, the Secretaries of State in either country were only empowered to deliver up extradition prisoners to be tried for the crime for which they had been accused in the country delivering. (See 6 and 7 Vict., cap. 76, sec. 3,\* and Act of Congress, August 1848, cap. 167, sec. 3.†)

Her Majesty's Government cannot assent to the proposition that the English Extradition Act of 1870 imposed a new condition upon the Treaty of 1842. They maintain that if that Act had never been passed, it would have been the duty of Her Majesty's Government under the Act 6 and 7 Vict., cap. 76, upon which the Treaty then rested, and the general law of extradition, to have protested against any extradition prisoner being tried in the United States for crimes other than those of which he was accused in this country, and had that protest been disregarded by the Government of the United States the British Government would have been equally bound to require an assurance in any subsequent case that a prisoner would only be tried for the crime or crimes for which he was surrendered.

And while dealing with this part of the case, I would ask how the United States' Government is prepared to reconcile the views expressed in your note in favour of the assertion of the right of asylum for political offences with the principle you have been instructed to advocate.

\* Vol. XXXI. Page 1220.

† Vol. LIX. Page 294.



There is no principle of international law more clearly admitted than that advanced by you that each State is the judge of its own administration of justice, and with regard to the right of asylum for political offences it is clear that the nation surrendering is to be the judge of what is, or is not, a political offence, the more so because opinions differ in different countries on this question.

But if the principle contended for in your note be correct, what is to prevent the United States' Government from claiming a prisoner from this Government for an extradition crime, and trying him afterwards for an offence which in this country would be deemed a political offence, but which in the United States might be viewed under a different aspect? Her Majesty's Government believe that the only test, and the only safeguard for the liberty of the individual and the maintenance of the right of asylum, are to be found in the principle for which they contend, that the crime or crimes of which a man is accused in the country surrendering which are proved against him there, and for which he is surrendered, are the only crimes for which he ought to be tried in the country claiming, and that without this safeguard the liberties of the subjects and citizens of the two nations might be jeopardized and put into the power of political parties or of the vindictiveness of the receiving Government who, *ex concessis*, is not the proper judge of whether a particular offence is a political one or not.

And here I must observe, with reference to your comment on the words "deliver up to justice," that if those words can be construed as having the extended meaning for which you contend, namely, "deliver up to justice generally," there would be no object in having a list of extradition crimes, for which alone an accused person can be claimed, and the construction would be in direct opposition to the Act of Congress of August 1848, cap. 167, sec. 3, and 6 and 7 Vict., cap. 76, sec. 3, "to be tried for the crime for which he is so accused," the words being identical in both Acts.

I now proceed to consider the effect of the Extradition Act of 1870, and I will state at once that Her Majesty's Government do not contend that any of the provisions of that Act have any force or effect in any foreign State. They look upon that Act only as declaratory of the law that is to govern the British Government in the matters to which it refers, and they consider that none of its provisions are inconsistent with the Treaty of 1842, sec. 27. It is to be regarded as intended to prevent for the future the evils that were pointed out by Mr. Hammond and others as having occurred, and being liable to occur, in private prosecutions, to which the attention of Government had not been called. Her Majesty's Government consider the provisions of the Act as having been devised, not in the particular interests or for the particular ends of

Great Britain, but as the embodiment of what was the general opinion of all countries on the subject of extradition, and as being beneficial to all and injurious to none. That the general opinion of European nations has justified this view is proved by the acceptance by most of the leading nations of Europe of Extradition Treaties based upon its provisions.

The attention of the United States' Government was drawn to the provisions of the Act immediately after it became law, as is shown by Sir E. Thornton's communication to Mr. Fish of the 22nd of September, 1870, and it is evident that Mr. Fish's notice was called to the effect of the restrictions of clause 3, sub-section 2, from the question which he shortly afterwards put to Sir E. Thornton whether it would be possible that a stipulation could be inserted in any new Convention, that if, during the trial of a person whose extradition had been asked for on a minor crime such as larceny, evidence previously unknown should appear that a prisoner had been guilty of a higher crime, such as murder, it should be legal to try him for the latter crime. To this question Sir E. Thornton, by instruction from Her Majesty's Government, returned the following answer in writing:—

"That any provision in the Treaty by which a fugitive surrendered for one offence mentioned in the Schedule may be tried for any offence committed prior to his surrender other than the extradition crime for which he was surrendered would be inadmissible. Indeed, the Treaty, if it is to be carried out, must contain a provision exactly to the opposite effect."

The draft of a new Convention between the two countries was afterwards prepared, and Article VI of that draft, as it originally stood, was as follows:—

"When any person shall have been surrendered by either of the High Contracting Parties to the other, such person shall not, until he has been restored or had an opportunity of returning to the country from whence he was surrendered, be triable or tried for any offence committed in the other country prior to the surrender, other than the particular offence on account of which he was surrendered."

Although much discussion took place on different provisions of this Draft Convention, and considerable alterations and modifications of the original draft were proposed by the United States' Government and adopted by the British Government, not one word of objection was ever raised by the United States' Government to Article VI.

The only proposal made by them with reference to the Article was the addition at the end of it of the words, "No person shall be deemed to have had an opportunity of returning to the country whence he was surrendered until two months at least shall have

elapsed after he shall have been set at liberty and is free to return," which was assented to by the British Government. The terms of that Convention were, in fact, with one exception, virtually agreed upon by both Governments; that exception was a difference which arose upon Article VII relating to political offences. The original Article was to the effect that "no accused or convicted person should be surrendered if the offence in respect of which his surrender is demanded shall be deemed by the party upon whom the demand is made to be of a political character, or if he prove to the satisfaction [of the Police Magistrate or of the Police Judge or Commissioner named in Article III of this Treaty, or of the Court before whom he is brought on *habeas corpus*, or] of the Secretary of State, that the requisition for his surrender has in fact been made with a view to try or to punish him for an offence of a political character."

The United States' Government proposed to leave out the words between brackets, and thus restrict the power of deciding as to what was a political offence to the Secretary of State alone.

To this the British Government could not agree, as the effect would have been to deprive an accused of his right to *habeas corpus*, to take away from him the power of proving at once his right to be set at liberty, and of taking the objection in the first instance before the tribunal before whom he was brought immediately on his arrest. This would be contrary to the spirit of English law, entirely apart from the Extradition Act of 1870, would have been a direct blow to the liberties of persons claiming asylum in this country, would put it in the power of a Secretary of State to keep an accused person in prison who ought to have been set at liberty at once, and who ought to have the opportunity given him of claiming his right to be set at liberty at the very first moment that he was charged before any tribunal. It was for these reasons that the British Government declined to accede to the proposal, and if the rights of an accused, which were well known and established in this country long before the Extradition Act was passed are secured to him, there is not, as far as Her Majesty's Government are aware, any other matter of difference between the two Governments which would prevent that Convention being signed at the present moment. It does not, therefore, appear how in any respect the Act of 1870 erected an insurmountable barrier in the way of a Convention as alleged in your note.

It appears, therefore, that the provisions of the Extradition Act of 1870 and the powers of the British Government under it having thus been clearly brought to the United States' Government, both countries continued, without any question, mutually to surrender persons accused of crimes within the Treaty of 1842. No case arose in either country to the knowledge of the British Government

in which any departure was made from the usual practice, and no prisoner was ever, to the knowledge of the British Government, tried for any offence other than that of which he had been accused in the country surrendering. Her Majesty's Government, therefore, contend that they and their predecessors were justified in considering that by the tacit and implied consent of each country this practice would be continued, and that it was not necessary to ask for any positive arrangement to ensure that object. So convinced was the Secretary of State for the Home Department that this was the case, that when in the first instance his attention was drawn to the intention to try Lawrence for smuggling by the solicitors who had acted for him in this country, the reply given to them was that the Secretary of State could not assume that the Government of the United States, in the face of their general understanding and in view of their Act of Congress of August 12, 1848, cap. 167, sec. 3, would ever think of acting in a manner so contrary to their own law and to the general law of extradition in all countries as to try an extradition prisoner for any other crimes than the extradition crime of which he had been accused in the country which delivered him up.

On the 9th of December Sir E. Thornton informed Mr. Fish that, as the question had been raised in Lawrence's case, it might be difficult for the British Government to surrender criminals hereafter, unless Her Majesty's Government was assured by that of the United States that the surrendered criminal should be tried only for the crime on which his surrender was demanded; and it cannot, therefore, in fairness be alleged that Her Majesty's Government deferred raising this question until there were three important cases of extradition pending.

With reference to the allusions which you make to the case of Bouvier, it is to be observed that the point decided in that case was that under the provisions of the French Treaty (identical, so far as the point is concerned, with the United States' Treaty), unless it had been proved to the Court that the French law had provided that Bouvier could not be tried for any other offence than that for which he was surrendered, Bouvier could not have been delivered up under the Extradition Treaty with France, which contained no such stipulation.

The attention of Her Majesty's Government has been called to the letter addressed by the Attorney-General of the United States to the District United States' Attorney for the Southern District of New York on the 22nd December, 1875. That letter is as follows:—

“ Sir,

“ Application is again made to me in the Lawrence case, with a long record, and an opinion of Judge Benedict. I now repeat what I

have heretofore written with 'carefulness and urgency,' and what I carefully tried to impress upon you when I saw you there, that for grave political reasons Lawrence must first be tried upon the charge upon which he was extradited, and upon no other, until that trial is ended, and whether subsequent proceedings for other crimes shall or shall not be taken must await the order of the President. Now, upon an examination of the papers, it is perfectly easy for you and the Court to determine upon what charge Lawrence was extradited, and to proceed to try upon that charge, and that only. This is a matter of great importance, and you must not blunder in it. There are consequences involved in it of a serious nature, as I have already told you, and we want to proceed in strict conformity with international law and international courtesy; therefore I merely add, try him first upon the charge for which he was extradited, and for that only. This instruction is so specific and so definite that it does not seem possible that an honest mistake can be made in this matter.

"EDWARD PIERREPOINT, *Attorney-General*."

The question then arises whether the United States' Government has, through the Attorney-General, power to stay proceedings in a prosecution which, in his opinion, is contrary to international law and international courtesy. It appears from the last passage of the judgment of Judge Benedict, delivered on the 27th of March last, that the Government has such power by reason of its legal control over the prosecuting officer. In the course of the same judgment, the Judge calls attention to the "political" aspect of the case as distinguished from the "judicial," and this distinction is material to be kept in view when cases are cited to show that Courts have taken a course in one or two cases, without showing that such cases were ever brought to the knowledge of the Governments concerned. This distinction was aptly illustrated in the late case of Blair, who was inveigled by a British subject with the assistance of American officers from the United States, and tried at Liverpool for a fraudulent bankruptcy and sentenced to 18 months' imprisonment. Mr. Justice Mellor, before whom this man was tried, took the same view as Judge Benedict, that it was not for the Court before whom a prisoner was brought to inquire how he came before it. But as soon as the facts were brought to the knowledge of the Government, and inquiry had been made, although it was not clear whether the trick by which Blair was removed from the jurisdiction of the United States was the act of the British subject or of the American officers, the British Government at once released Blair and sent him back to America, paying his expenses to the place from which he had been brought.

In the letter from the United States' Attorney-General, he states, "We want to proceed in strict conformity with international law and international courtesy." What, then, is the international law on the subject? Her Majesty's Government maintain that there is no country in the world which claims the right now put forward by the United States' Government. It will be found that France, which has the longest experience in extradition law and practice, and the largest number of Extradition Treaties with other countries, has never claimed such a right, whether there was any stipulation in a Treaty to that effect or not; and that no country can be pointed out which puts forward such a claim.

Her Majesty's Government must, therefore, adhere to the decision which they have maintained from the very first moment that they were assured of the intention of the United States' Government to try Lawrence for other than the extradition crime for which he was surrendered. They have always regarded the claim so to try him as a breach of the Treaty of 1842; and they have nothing to add to the opinion expressed in my notes to General Schenck and yourself of the 29th of February and 11th ultimo.

Her Majesty's Government deeply regret that there are two other cases which must follow their decision in regard to the case of Winslow, but they can only interpret Mr. Fish's views, as conveyed in your note of the 20th ultimo, as a distinct assertion of the right of the United States' Government to try Lawrence for any offence whatever, and as a distinct refusal to come to any arrangement that Winslow and the other extradition prisoners now in custody here shall not be treated in a similar manner.

Her Majesty's Government must act as the law of England and the practice of all other countries require them to act, and can only express their deep regret that the operation of a Treaty which, limited as it was, has worked for the mutual benefit of both countries, should be in danger of being so unnecessarily terminated. They will not abandon the hope that the United States' Government may yet consent to give such assurances as will enable the two Governments to maintain it unimpaired.

*Colonel Hoffman.*

I have, &c.,

DERBY.

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*The Earl of Derby to Colonel Hoffman.*

SIR,

*Foreign Office, May 5, 1876.*

THE note which I had the honour to address to you under yesterday's date contained the answer of Her Majesty's Government to the letter which, by direction of your Government, you addressed to me on the 20th ultimo.

Since my note was prepared, I have received from you a copy of

the despatch from Mr. Fish, dated the 31st March, on which your letter was founded.

This despatch has been communicated to Her Majesty's Secretary of State for the Home Department, who has requested me to call your attention to the passage in Mr. Fish's despatch in which, alluding to Lawrence's case, he says that, "although not arraigned on any other indictment than for the forgery for which he was extradited, the British Home Office has raised the question that he may be possibly tried upon other charges and for other crimes."

The Home Secretary wishes to observe upon this that no question was raised by him until he was satisfied that Lawrence had been indicted, although not yet arraigned, for the offence of smuggling, and that Mr. Fish had signified to Sir E. Thornton that the United States' Government claimed the right to try him for other offences than that for which he was surrendered.

Information to this effect was received from Her Majesty's Minister at Washington on the 28th of November.

I have, &c.,

Colonel Hoffman.

DERBY.

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*The Earl of Derby to Colonel Hoffman.*

SIR,

*Foreign Office, May 6, 1876.*

I REFERRED to Her Majesty's Secretary of State for the Home Department your note of the 3rd instant, in which you called attention to some recent cases of extradition from Canada, and I have the honour to state to you that I have been informed in reply that the Home Secretary has nothing to add to his former opinion upon the case of Winslow, except that he differs from the opinion of the Canadian Judges in the case referred to, and that he would wish your attention to be called to a different decision in the case of the *Lennie* mutineers heard yesterday at the Old Bailey, where Mr. Justice Brett held that a prisoner delivered up under the French Extradition Treaty for murder could not be put on his trial for being an accessory after the fact.

I beg leave also to refer you to the views already expressed in my note of the 4th instant as to the distinction to be drawn in these cases between that which is within the province of Courts and that which belongs more properly to Governments to decide.

I have, &c.,

Colonel Hoffman.

DERBY.

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*The Earl of Derby to Sir E. Thornton.*

(Telegraphic.)

*Foreign Office, May 6, 1876.*

TELL Mr. Fish unofficially that, unless some step be taken towards giving the requisite guarantee in Winslow's case before the

period of ten days during which he stands remanded has elapsed, it is very doubtful whether a further delay in releasing the prisoner will be granted by the Judge.

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*Sir E. Thornton to the Earl of Derby.—(Received May 7.)*

MY LORD,

*Washington, April 24, 1876.*

WHEN I saw Mr. Fish at the State Department on the 20th instant, he told me that, judging from information which he had received from the United States' Chargé d'Affaires in London, he presumed that Article X of the Treaty of 1842 must now be considered to be at an end; he regretted very much that it should be so but his Government found it impossible to agree to the condition required by that of Her Majesty that an engagement should be given by the United States' Government that the accused Winslow should not be tried for any other crime than that for which he would be surrendered.

Mr. Fish then read me several extracts from a despatch addressed by him to the United States' Chargé d'Affaires, the contents of which had, as he said, been communicated to your Lordship, and which it is therefore unnecessary to repeat.

Mr. Fish said that there were in England at this moment two men accused of murder and two others charged with forgery in the United States, whose surrender he had been requested to ask of Her Majesty's Government; but that under the present circumstances he had considered it useless to apply for their extradition.

He expressed his great regret that there would hereafter be no means of reaching the mutual surrender of criminals, but added that the Government of the United States would always be prepared to conclude a new Treaty of Extradition, if it could be possible to agree upon its terms. He feared, however, that this would be difficult, unless the British Parliament would consent so to modify subsection 1 of section 3 of the Act of Parliament of 1870 as to leave the Government solely responsible as to what was to be considered a political crime.

On the morning of the 22nd instant I received from Mr. Fish a Memorandum referring to two cases in Canada, with regard to which the judicial authorities had decided that the Act of Parliament of 1870 would not apply to the Treaty of 1842, "and that when the prisoner was within the jurisdiction of the United States he could be tried for any offence."

I have the honour to inclose a copy of the Memorandum.

I have, &c.,

*The Earl of Derby.*

EDWD. THORNTON.

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*(Inclosure.)—Memorandum.*

IN the case of Rosenbaum, whose extradition was asked from Canada, January 14, 1874, on a charge of arson, and the warrant for whom was issued in January, 1874, the question that the British Act of 1870 applied was raised and discussed, as well as the general question of the right to try an offender for any offence other than the extradition crime. The Court examined this ground assumed by the prisoner's counsel, and reference was made to the arguments and judgment in the previous case of Bouvier in the Queen's Bench. The prisoner was committed for extradition and in so doing, Ramsay, J., said:

"Notwithstanding the plausibility of this reasoning, it fails to convince me. In the first place, it goes too far; for if it were recognized as a principle of international law that a prisoner extradited could only be tried for the crime for which the extradition took place, it would not have been necessary for the Imperial Parliament to make these provisions, and it would not be necessary to ask this question. I am not, however, aware that it has ever been laid down in England that a man once within the jurisdiction of English Courts could set up the form of his arrest, or the mode by which he came into custody, as a reason for his discharge when accused of a crime. But even were this otherwise, it is not the international law that it is sought to prove, but the special requirement of a new statute. Now I cannot conceive how a new provision of the Act of 1870 could be consistent with the Treaties with France, the United States, and Denmark, entered into years before."

In the case of Charles Worms, whose extradition was asked February 21, 1876, on a charge of forgery, and who was within a very few days past extradited from Canada, a hearing was had, and the prisoner remanded for extradition; a writ of *habeas corpus* was sued out and a hearing had before Chief Justice Dorian, on which, as it is stated on the authority of the Consul-General of the United States at Montreal, all the points were raised in the argument that are now pending between the United States and Great Britain, and all the Canadian Judges consulted in reference to it.

"Chief Justice Dorian decided, as it is reported to me, that Worms should be remanded for extradition; that the Imperial Act of 1870 did not apply to the Ashburton Treaty, and if it did apply in terms, it could not be operative against the Treaty; and that when the prisoner was in the jurisdiction of the United States, he could be tried for any offence."

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*The Earl of Derby to Sir E. Thornton.*

SIR,

*Foreign Office, May 7, 1876.*

I HAVE received your telegram of yesterday's date reporting that you have received a note from Mr. Fish, in which he requests that the note addressed to me on the 20th ultimo by Colonel Hoffman respecting the Winslow extradition case may be considered as withdrawn, because it contains expressions, opinions, and arguments not adopted or approved by the United States' Government, and that the despatch of Mr. Fish to Colonel Hoffman, which was forwarded to me on the 29th (not the 28th) ultimo, should be substituted for the above-mentioned note.

Her Majesty's Government have learnt with satisfaction that it is the desire of Mr. Fish to withdraw the note of the 20th ultimo. They have done their utmost, by procuring the remand of Winslow, to afford an opportunity for arranging the disputed question of extradition in this case, and they are anxious to know whether they may understand the withdrawal of Colonel Hoffman's note as an indication on the part of Mr. Fish of an intention to endeavour to arrive at some satisfactory arrangement.

In the answer which I addressed to Colonel Hoffman on the 4th instant, after the copy of Mr. Fish's despatch had been received, I explained that Her Majesty's Government do not rest their case on the Act of 1870, but on the general principles of extradition, the language of the Statutes of both countries putting the Treaty of 1842 in force, and the care taken to specify in the Treaty the particular crimes for which extradition can be granted.

I communicated the substance of this despatch to you by telegraph.

I am, &amp;c.,

*Sir E. Thornton.*

DERBY.

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*Sir E. Thornton to the Earl of Derby.—(Received May 8.)*  
(Telegraphic.)

*Washington, May 8, 1876.*

REFERRING to your telegram of yesterday, Mr. Fish is of opinion that the position of the United States' Government is not realized by Her Majesty's Government, and that the latter fails to appreciate how thoroughly powerless the former is to hinder, had they the wish to do so, State Courts from putting persons on trial for crimes other than those for which they may have been delivered up. The substitution of Mr. Fish's despatch dated the 31st of March for Colonel Hoffman's note does not imply that the guarantee desired by Her Majesty's Government will be given by the United States' Government, and I am persuaded that this guarantee will be withheld.

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*The Earl of Derby to Sir E. Thornton.*

SIR,

*Foreign Office, May 11, 1876.*

THE postponement of the hearing of the application for the discharge of the prisoner Winslow from custody will expire on the 13th instant, and, as I have this day informed you by telegraph, the Attorney-General has been instructed to apply for a further postponement.

Her Majesty's Government are anxious to make every effort to keep alive the possibility of coming to an arrangement with the United States' Government in regard to the question of extradition, and the Attorney-General will base his application on the ground that there has not been time for Mr. Fish to receive the note which I addressed to Colonel Hoffman on the 4th instant, and which contains the reply of Her Majesty's Government to Mr. Fish's despatch of the 31st of March.

Her Majesty's Secretary of State for the Home Department is unable to say whether the Judge will grant the application for a further remand, but he has expressed his extreme regret at the risk of the cessation of the satisfactory working of the Treaty of Extradition which has been of such great mutual benefit to both countries.

I am, &amp;c.,

*Sir E. Thornton.*

DERBY.

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*The Earl of Derby to Colonel Hoffman.*

SIR,

*Foreign Office, May 11, 1876.*

WITH reference to my letter of the 3rd instant, acquainting you that Winslow's case had been remanded for ten days on the application of the Attorney-General, I have the honour to state to you that I have been informed by Her Majesty's Secretary of State for the Home Department that the Attorney-General will be instructed to ask for a further postponement of Winslow's release when the next application is made to the Judge on the expiration of the postponement granted when the former application was made.

Her Majesty's Government are most anxious that nothing should be wanting on their part to keep alive the possibility of coming to an arrangement with the United States' Government on the extradition question now pending between them, and the ground on which the Judge will be asked for a further postponement will be that there has not yet been time for Mr. Fish to have received the answer to his despatch of the 31st of March, which was sent to you on the 4th instant.

The Home Secretary is, of course, unable to say whether the Judge will accede to this application; but, in notifying that it will be made, he has expressed his extreme regret that there should be

any risk of a cessation of the satisfactory working of the Extradition Treaty of 1842, which has been of such great mutual benefit to both countries.

Colonel Hoffman.

I have, &c.,

DERBY.

*The Earl of Derby to Colonel Hoffman.*

SIR,

*Foreign Office, May 18, 1876.*

WITH reference to my note of the 11th instant, I have the honour to acquaint you that the further hearing of the application for the release of Winslow has been adjourned for ten days from this date.

I have, &c.,

Colonel Hoffman.

DERBY.

*Sir E. Thornton to the Earl of Derby.—(Received May 14.)*

MY LORD,

*Washington, May 1, 1876.*

ON my visiting Mr. Fish at the State Department on the 27th ultimo, he asked me whether I supposed that Her Majesty's Government would finally surrender the forger Winslow. I replied that its action would depend entirely upon whether the Government of the United States would give an assurance that Winslow would be tried only for the crimes for which he had been committed. Mr. Fish said that it was out of the power of the United States' Government to give such an assurance, because there was no stipulation to that effect in Article X of the Treaty of 1842, and this being the case, the Government could not control the action of the Courts of Justice, who could only take the letter of the Treaty as their guide.

Mr. Fish begged me to assure your Lordship that the United States' Government sincerely regretted that the reciprocal extradition of criminals, which had hitherto been carried out with such good results, should thus come to an end; but he hoped that your Lordship would believe that he wished to look at the matter in a friendly spirit, and would meet the United States' Government with similar feelings in its desire to negotiate a new Treaty upon the subject of extradition.

With this view he wished to point out to me, "informally and unofficially," as he said, some of the provisions of the Act of 1870 which, unless modified, would render it extremely difficult for the United States to conclude a Treaty upon the subject.

In examining the Act in question, it must first be observed that, by the second paragraph of section 2, Her Majesty was empowered, in case an arrangement should have been made with a foreign State, to limit the operation of the Order in Council directing that the Act should apply in the case of that State, and to "render the operation thereof subject to such conditions, exceptions, and qualifi-

cations as may be deemed expedient." It appeared to Mr. Fish that this provision authorized the Queen to modify and alter the terms of a Treaty concluded with a foreign State, and as any Treaty would now be concluded with a knowledge of the Act, he did not see how the United States could consent to such a power of limitation. I assured him that a Treaty could not be modified or altered without the consent of both parties, and that the Act could not confer such a power upon Her Majesty.

With regard to sub-section 1 of section 3, Mr. Fish said that it would be out of the power of the Government of the United States to agree that a Police Magistrate, either in Great Britain or the United States, should be considered a sufficient judge of what was a political crime, and that it was necessary that on both sides the Government alone should take the responsibility of deciding the question. But upon a more careful examination of the language of the Act, it seemed to him that it was not incompatible with this view of the matter. The Act, he said, stated that the criminal might prove "to the satisfaction of the Police Magistrate or the Court before whom he is brought on *habeas corpus*, or to the Secretary of State, that the requisition for his surrender, &c." Mr. Fish expressed his opinion that, in making a Treaty with a foreign State Her Majesty's Government had a right to choose to which of the three, viz., the Police Magistrate, or the Court, or the Secretary of State, the fugitive criminal should prove the fact of his surrender being demanded, with a view to try or punish him for an offence of a political character. If Her Majesty's Government should take the same view of sub-section 1, that of the United States would be glad to agree that the Secretary of State should decide whether the offence was one of a political nature.

With reference to sub-section 2 of section 3, Mr. Fish said that his Government certainly thought it expedient that there should be a limitation to the crimes for which a surrendered criminal might be tried, but that it had become convinced, during the discussion and consideration of the late cases of Lawrence, Winslow, &c., that the United States ought not, for the future, to make an Extradition Treaty with a foreign Power unless it were stipulated that a surrendered criminal, even when committed for only one crime, might be tried for all and any one of the crimes included in that Extradition Treaty, although for no others. He could not see that any objection could be made to such a stipulation; he thought that the principal object of Extradition Treaties was to take care that no surrendered criminal should be tried for a political crime, and that certain stated high crimes should not go unpunished by reason of the escape of the criminal.

It seemed in accordance with reason that, where two Govern-

ments had agreed upon reciprocal extradition for certain crimes, the surrendered criminal should be liable to be tried for any one or more of those crimes. He believed that in most, if not in all of the States of the Union, a man indicted for murder might, if acquitted of murder, be convicted of manslaughter, and that the same rule was observed in Great Britain; yet if a murderer were surrendered by Great Britain to the United States, he could not, in accordance with the Act of 1870, be convicted of manslaughter if acquitted of murder. In the case of Lawrence he had understood that Lawrence had been indicted for 13 different forgeries, and that the documents with regard to all of them had been sent to England; but that the facts connected with only one of these had been proved, it being supposed that he could, on arriving in the United States, be tried for all of them, but that his extradition could have been equally obtained upon all of the indictments.

Mr. Fish submitted to me a further difficulty with regard to the wording of the Act of 1870, in which he seemed to me to have strained its interpretation, but upon which, however, he laid great stress. He argued that the wording of sub-section 2 of section 3 laid down that, in the United States, the surrendered criminal could be tried for no offence committed prior to his surrender other than the extradition crime proved by the facts on which the surrender is grounded. He asserted that these words meant that he could be tried for only one crime, whereas by section 19 a fugitive criminal surrendered to England could be tried for "such of the said crimes as may be proved by the facts on which the surrender is grounded," meaning, as he argued, that he could be tried for any number of the crimes described in the first Schedule to the Act, and thus implying an absence of reciprocity.

I have, &c.,

*The Earl of Derby.*

EDWD. THORNTON.

*Sir E. Thornton to the Earl of Derby.—(Received May 14.)*

MY LORD,

*Washington, May 1, 1876.*

I HAD the honour to receive your Lordship's telegram relative to the extradition of Winslow and others, on Saturday the 29th ultimo, but at too late an hour to communicate its contents to Mr. Fish on that day. Seeing, however, how short a time must elapse before the discharge of Winslow, I thought it best to call yesterday, Sunday, at Mr. Fish's private house, and submit to him the contents of your Lordship's telegram.

Mr. Fish, in reply, begged me to convey to your Lordship the regret of the Government of the United States that it was unable to give an assurance that Winslow and the other prisoners, who had been committed in England for extradition, would not be tried in

the United States for any offence committed prior to the surrender, other than the extradition crimes proved by the facts on which the surrender would be granted. He added that the charges against Winslow were for offences against State laws, and the indictments against him were found in the Courts of the State of Massachusetts, not in the Federal Courts, and that, without regard to any question of policy, or of right to ask any stipulation or assurance, the President could not restrain the jurisdiction of the Courts of any one of the States over offences against the law of that State, and therefore he could not enter into any promise or assurance restricting the power of a State to try a criminal within its jurisdiction for any crime for which he may have been indicted in that State.

In answer to an objection made by me, Mr. Fish said that the Courts could be the only judges of the interpretation of Article X of the Treaty of 1842, which was the only arrangement between the two countries with regard to extradition. The Government itself was, however, of opinion that there was nothing in that Article which prohibited the trial of a surrendered prisoner for any crime other than that for which he was surrendered, and that all that could be expected was that the prisoner should first be tried *bonâ fide* for the crime for which he was surrendered.

The United States' Government considered that the stipulation contained in the above-mentioned Article, that the persons charged with the crimes mentioned in it should be delivered up "to justice," was ample justification for their being tried for other crimes, and even showed an intention that they should be tried for any crimes which they might have committed. Such, indeed, had been the practice on many different occasions since the conclusion of the Treaty of 1842.

It is useless to trouble your Lordship with a repetition of the same arguments which I have constantly used to combat this view of the matter. They had no effect upon Mr. Fish, who insisted that Her Majesty's Government would violate the Treaty of 1842 by refusing to surrender Winslow and the other prisoners who were committed for extradition.

I have, &c.,

*The Earl of Derby.*

EDWD. THORNTON.

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*The Earl of Derby to Colonel Hoffman.*

SIR,

*Foreign Office, May 19, 1876.*

WITH reference to my note of the 13th instant, I have the honour to remind you that the hearing of the application for the release of Winslow from custody was postponed for ten days from the 13th instant; and that as matters stand at present, he will be released on Thursday the 28rd instant.

Her Majesty's Government would be happy to consider any communication which Mr. Fish might instruct you to make on the subject, after having received my letter to you of the 4th instant; but if no such instruction should have reached you, I would suggest that you should call the attention of your Government, by telegraph, to the date on which Winslow will be released; and should inquire if they have any further communication on the subject to make to Her Majesty's Government.

I have, &c.,

Colonel Hoffman.

DERBY.

*Sir E. Thornton to the Earl of Derby.—(Received May 20.)*

(Extract.)

*Washington, May 8, 1876.*

I HAVE the honour to inclose copy of a note which I received from Mr. Fish on the evening of the 5th instant. It refers to a note addressed to your Lordship on the 20th ultimo, by the United States' Chargé d'Affaires in London, relative to the case of Winslow.

Before receiving this note, I had met Mr. Cadwalader, Assistant Secretary of State, in the street. He stopped me and told me that the note was on its way. He explained that Colonel Hoffman had been instructed to communicate to your Lordship the contents of Mr. Fish's despatch to him of the 31st March last, and that he had intended to do so by means of his note above mentioned of the 20th ultimo. He had since then been instructed to transmit to your Lordship a copy of Mr. Fish's despatch of the 31st March, the substance of which Colonel Hoffman's note of the 20th ultimo had purported to convey to your Lordship.

On the 5th instant Mr. Fish received a copy of this note, and considered, as he thought your Lordship would perceive, that its contents were not entirely in accordance with the language of Mr. Fish's despatch. Mr. Cadwalader added, that Mr. Fish was not satisfied with the note, which contained some remarks which, he thought, had better have been left out. Mr. Fish would, therefore, be glad if I would telegraph to your Lordship asking that the note in question might be considered as withdrawn.

On my return home I found the note of which Mr. Cadwalader had given me notice; and in consequence of it I had the honour to transmit to your Lordship, on the morning of the 6th instant, the telegram which is recorded in my despatch of that day.

With reference to your Lordship's telegram, dated the 6th instant, at midnight, which I received yesterday morning, I have the honour to state that when at the State Department on the 4th instant, I informed Mr. Fish that the case of Winslow had been remanded for 10 days. Upon his asking me with what object this remand had been made, I answered that I presumed that it was in



the hope that some arrangement might still be come to, and that the United States' Government would be induced to give the required assurance. Mr. Fish replied, that Her Majesty's Government did not seem to appreciate how completely it was out of the power of the United States' Government to control the State Courts in this matter, or to prevent them from trying Winslow, or any other surrendered criminal in a similar position, for crimes other than those for which they would be surrendered. He added, that his Government could not give any such assurance as was required, because the State Courts would pay no attention whatever to any representation which might be made to them on the subject by the Federal Government.

I shall, however, take an opportunity of mentioning to Mr. Fish that Winslow will probably be released at the end of the 10 days, unless the required assurance should be given. But I have no hope that the United States' Government will give it.

*The Earl of Derby.*

EDWD. THORNTON.

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(*Inclosure.*)—*Mr. Fish to Sir E. Thornton.*

SIR,

*Department of State, Washington, May 5, 1876.*

I REGRET to be under the necessity of saying that a despatch from the Chargé of the United States at London received this day covers what purports to be the draft of a note addressed to Mr. Hoffman (the Chargé) to the Earl of Derby under date of the 20th of April, on the question of extradition and the case of the fugitive Winslow, which on perusal is found to contain expressions which were not suggested, and to advance opinions and arguments which it is supposed must have crept in in the probable haste of preparing the note, but which are not adopted or approved by this Government.

As Colonel Hoffman states that he transmits to this Department the draft of his note owing to the pressure upon his time, it is hoped that the copy sent to Lord Derby may be very different from this draft.

I feel it necessary, however, to advise you of the fact, and to say that it is the wish of this Government that Colonel Hoffman's note of the 20th of April, addressed to Lord Derby, be considered as withdrawn, and that an instruction from this Department to Colonel Hoffman, under date of the 31st of March last, be substituted therefor.

May I ask the favour of you to transmit this request to your Government, by telegraph if possible?

Colonel Hoffman has advised me by telegraph that he trans-

mitted a copy of the instruction referred to to Lord Derby (probably on the 28th of April).

I take leave to inclose a copy of it for your information.

I have, &c.,

*Sir E. Thornton.*

HAMILTON FISH.

*The Earl of Derby to Sir E. Thornton.*

SIR,

*Foreign Office, May 22, 1876.*

THE United States' Chargé d'Affaires called upon me to-day and read a telegram from Mr. Fish, in answer to the telegram which he had sent to him in accordance with the suggestion contained in my note to him of the 19th instant.

Mr. Fish states that my note of the 4th was not received until the 17th instant, and that the Attorney-General is reported in the newspapers as having said on the 13th instant, when applying for Winslow's remand, that unless a reply to that note was received within 10 days, no further extension of the detention of the prisoner would be asked for. Mr. Fish adds that my note cannot be replied to by telegraph, and that no other mode of transmission could put his reply in London by the 23rd instant.

If Her Majesty's Government are determined to refuse the surrender of Winslow except on receiving the stipulation which they have demanded, Mr. Fish considers it right to say that it is impossible to give the stipulation. He adds that the President has not the power if he were disposed to do so, and that this will be explained in a reply to my note now being prepared, which will be forwarded at an early day.

I have, &c.,

*Sir E. Thornton.*

DERBY.

*The Earl of Derby to Colonel Hoffman.*

SIR,

*Foreign Office, May 24, 1876.*

WITH reference to my note of the 13th instant, I have the honour to inform you that the hearing of the application for the release of Winslow has been again adjourned until the 31st instant.

I have, &c.,

*Colonel Hoffman.*

DERBY.

*The Earl of Derby to Colonel Hoffman.*

SIR,

*Foreign Office, May 26, 1876.*

WITH reference to the paragraph in Mr. Fish's despatch of the 31st of March, in which he states that "in some few Treaties between the United States and foreign countries, provisions exist that the criminal shall not be tried for offences committed prior to extradition, other than the extradition crime," and to the draft Article to the

same effect contained in the draft Treaty lately discussed between the two Governments, to which Article Mr. Fish had given his assent, I have the honour to request that you will state to your Government by telegraph that Her Majesty's Government will be ready at once to meet the suggestion made by you in conversation at the Foreign Office yesterday, and to sign an Additional Article to the Treaty of 1842, in the words of that draft Article of which a copy is inclosed.

I have to add that this Article is identical with the one contained in all the Extradition Treaties between Great Britain and other countries mentioned in the accompanying list.

On being informed that the Government of the United States consent to adopt this method of meeting this present difficulty, Her Majesty's Government will be ready to authorize Her Majesty's Minister at Washington, who has full powers, to sign the Additional Article with Mr. Fish, or I shall be happy to do so with you, if your Government prefer it.

Her Majesty's Government trust that the Government of the United States will see in this proposal a proof of their sincere desire to maintain a Treaty of such importance to both countries.

I have, &c.,

Colonel Hoffman.

DERBY.

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(Inclosure 1.)—*Draft Article in proposed Extradition Treaty with the United States, agreed to by Mr. Fish.*

ART. III. When any person shall have been surrendered by either of the High Contracting Parties to the other, such person shall not, until he has been restored or had an opportunity of returning to the country from whence he was surrendered, be triable or tried for any offence committed in the other country prior to the surrender, other than the particular offence on account of which he was surrendered.

No person shall be deemed to have had an opportunity of returning to the country whence he was surrendered until two months at least shall have elapsed after he shall have been set at liberty and free to return.

N.B.—The last paragraph of this Article was added by Mr. Fish.

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(Inclosure 2.)

EVERY Extradition Treaty concluded by Great Britain with foreign Powers since the passing of the Act of 1870 contains an Article in accordance with section 3, sub-section 2, of the Act.

The following are the Treaties in question :

Austria	..	..	December 3, 1873.	State Papers. Vol. LXIII.	Page 213.
Belgium	..	..	July 31, 1872.	Vol. LXII.	Page 23.

				State Papers.
Brazil	..	..	November 13, 1872.	Vol. LXII. Page 267.
Denmark	..	..	March 31, 1873.	Vol. LXIII. Page 5.
Italy	..	..	February 5, 1873.	Vol. LXIII. Page 19.
Germany	..	..	May 14, 1872.	Vol. LXII. Page 5.
Netherlands	..	..	June 19, 1874.	Vol. LXV. Page 54.
Sweden and Norway	..	..	June 26, 1873.	Vol. LXIII. Page 175.
Switzerland	..	..	March 31, 1874.	Vol. LXV. Page 78.
Hayti	..	..	December 7, 1874.	Vol. LXV. Page 44.
Honduras	..	..	January 6, 1874.	Vol. LXV. Page 48.

*The Earl of Derby to Sir E. Thornton.*

SIR,

*Foreign Office, May 26, 1876.*

I TRANSMIT to you herewith copies of a correspondence with the Home Office and of a letter to Colonel Hoffman, from which you will see that Colonel Hoffman, having suggested in conversation that the extradition difficulty arising out of the cases of Winslow and Lawrence might be met by an Additional Article to the Treaty of 1842, I have made a formal proposal to him to sign such an Article with me at once, or for Mr. Fish to sign it with you should the United States' Government prefer that course.

In making this proposal Her Majesty's Government have not overlooked Mr. Fish's remarks reported in your despatch of the 1st instant, that the United States ought not for the future to make an Extradition Treaty with a foreign Power unless it were stipulated that a surrendered criminal, even when committed for only one crime, might be tried for all and any one of the crimes included in that Extradition Treaty, although for no others.

Her Majesty's Government feel sure that, on further consideration, Mr. Fish will not adhere to this suggestion, since it is evident that such a provision would be inconsistent with the requirement in all Extradition Treaties, both American and English (for instance, the Treaty between the United States and Austria of 1856\*), that the offence for which extradition is granted must be proved to the satisfaction of the committing Court. There are other reasons, as you are aware from the correspondence which took place in 1870, which prevent Her Majesty's Government agreeing to such a stipulation, but the foregoing objection seems to them sufficiently conclusive.

Mr. Fish stated in his despatch of the 31st of March last that in some "Treaties between the United States and foreign countries provisions exist that the criminal shall not be tried for offences committed prior to extradition other than the extradition crime." A similar Article has also been agreed to by the various countries having Extradition Treaties with Great Britain, mentioned in the

\* Vol. LIX. Page 235.

list with which I have furnished Colonel Hoffman. The only Treaty in which it is not inserted is the Treaty with France of 1843,\* and it was not then required, as there are positive regulations in force in France, under a Circular issued in 1841,† which have the same effect. It is, however, included specifically in the Treaty now under negotiation with that country.

As Mr. Fish, has, moreover, already agreed to this Article in the draft Treaty inclosed in your Excellency's despatch of June 12, 1878, and himself made an addition to complete it, Her Majesty's Government trust that they may learn without delay that he assents to the signature of an Additional Article to the Treaty of 1842, in the words of the Article of that draft, as I have proposed.

It only remains for me to authorize you, as I have already done by telegraph, to sign such an Additional Article, in virtue of the general full power with which you were furnished in 1868, on Mr. Fish signifying his wish that you should do so.

Her Majesty's Government would regard with much satisfaction such a solution of the questions which have arisen; and, although they cannot waive their claim to put the construction on the Treaty of 1842 which they have maintained, they would be glad to meet the Government of the United States in the matter without prejudice to the arguments advanced on either side.

The signature of an Additional Article to the Treaty of 1842 would not interfere with the negotiation for a new and more comprehensive Treaty, with which Her Majesty's Government are prepared to proceed forthwith, and which the present discussion has shown to be so desirable.

I am, &c.,

Sir E. Thornton.

DERBY.

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*The Earl of Derby to Sir E. Thornton.*

SIR,

*Foreign Office, May 29, 1876.*

I HAVE received your telegram of the 27th instant, in which you report that you had communicated to Mr. Fish the substance of my despatch of the 26th instant, which was telegraphed to you on that day, and that he begged you to express his extreme regret that a suggestion made by the United States' Chargé d'Affaires should have led me to suppose that the United States' Government could agree to an Additional Article to the Treaty of 1842; but stated that, while they would be glad to make a new and enlarged Treaty, they cannot, under present circumstances, agree to the Additional Article to the Treaty of 1842 which you were instructed to propose, and which the United States' Chargé d'Affaires had not been authorized to suggest.

You reported further that Mr. Fish had expressed doubts

\* Vol. XXXI. Page 194.

† Vol. LXIII. Page 1084.

whether a new Treaty could be made in accordance with the Act of 1870, and wished to know whether Her Majesty's Government could not agree to a Treaty not in accordance with that Act, and then obtain from Parliament an Act to enable Her Majesty's Government to carry that particular Treaty into execution. The United States' Government, he said, would be glad to stipulate that a surrendered criminal might be tried for the crime for which he was extradited, and for any and all the crimes in the Extradition Treaty, but for no others; and, he added, contrary to what he had stated on previous occasions, that the United States would agree simply that no one should be surrendered for a political crime, without any mention of authorities before whom the prisoner might prove that the crime of which he was accused was of a political nature.

Her Majesty's Government have carefully considered Mr. Fish's observations in connection with those reported in your despatch of the 1st instant, and they regret exceedingly that he declines to agree to the Additional Article tendered in my telegram of the 26th, to which he had formerly given his entire assent; and they do so the more, as, if the proposal had been accepted, all difficulty in the way of the surrender of Winslow and the other extradited prisoners now in custody in England would have been removed.

With reference to Mr. Fish's suggestions as to the provisions with respect to political crimes which would be accepted by the United States' Government, you will state that Her Majesty's Government propose, with a view of meeting his views on this point, the following clause in respect to political offences:—

“A fugitive criminal shall not be surrendered if the offence in respect of which his surrender is demanded is one of a political character, or if he prove that the requisition for his surrender has in fact been made with a view to try or punish him for an offence of a political character.”

With regard to Mr. Fish's remarks as to the difference between the wording of sub-section 2, section 8, of the Act of 1870, and section 19 of the same Act, reported in your despatch of the 1st instant, I have to observe that the wording of the two sections above-mentioned has been treated by Her Majesty's Government in all their Extradition Treaties as identical, and they have never claimed to make any distinction in the mode in which an extradition prisoner was to be dealt with, whether surrendered by a foreign Government to England, or *vice versa*. As the course to be pursued by each country is so defined in all Treaties, the difference which practically consists in the word “crime” being in the singular in sub-section 2, clause 3, and in the plural in section 19, is immaterial, and has no operation upon the wording or working of the Treaties.

The real object of both clauses is that a prisoner should not be tried upon a different state of facts from those proved in the surrendering country. The remedy for such a difficulty as that suggested by Mr. Fish respecting murder and manslaughter is very simple, namely, that care should be taken by those who represent the country applying for extradition, that all the crimes which could be proved by the facts laid before the surrendering authority should be included in the demand for extradition, as was done in the case of Winslow, when a supplemental demand was made that the crime of uttering should be added to that of forgery in the application for his surrender.

But Her Majesty's Government cannot hold out any hope that, after the full consideration which the subject of extradition received in the inquiry in 1868, the Report of the Committee who sat upon it, and the well-considered action of Parliament in embodying the recommendations of the Committee in the Act of 1870, it would be possible for the Government to ask Parliament to conclude a Treaty with the United States not in accordance with that Act, or to give them powers to agree that with respect to that particular Treaty it might be stipulated that a surrendered criminal might be tried for the extradition crime on which he was surrendered, and also for any and all the crimes in the Treaty, though such crimes were proved by a totally different set of facts than those proved against him in the country surrendering, *e.g.*, that a man charged and surrendered in England for forgery should be tried in the United States for murder.

This would be inconsistent not only with the Report of the Committee of 1868, but with all the Treaties which have been entered into with foreign States, and have worked to the mutual satisfaction of those States and of this country.

Her Majesty's Government had hoped that as no objection was raised by Mr. Fish to Article III in the Revised Draft Treaty formerly discussed between the two Governments, they were at least of full accord with one another on this point, and they can only repeat their extreme regret that a fresh obstacle is now raised to the settlement of a new Extradition Treaty with the United States, at the time when they believed that only one subject of difference existed between the two Governments, namely, that of the wording of the clause relating to political offences, the objections to which on the part of Mr. Fish will, it is hoped, be removed by the tender of the clause now sent, in which the words objected to by him are omitted, and each country is left free to follow the mode of procedure which its own laws prescribe.

You will read and give a copy of this despatch to Mr. Fish, and will express to him the earnest hope of Her Majesty's Government

that he will reconsider his present objection to Article III of the Revised Draft Treaty which he did not raise at the time when the Draft was under consideration in 1871, and by doing so enable a new Treaty to be signed at once.

I have telegraphed to you the substance of this despatch.

I am, &c.,

*Sir E. Thornton.*

DERBY.

*Sir E. Thornton to the Earl of Derby.—(Received June 8.)*

MY LORD,

*Washington, May 22, 1876.*

I HAVE the honour to inclose copy of a despatch which I have received from the Governor-General, informing me that one Maraine Smith had been committed to gaol in Ontario as a fugitive from the justice of the United States on a charge of murder. His Excellency added that as no application had been made for the prisoner's surrender, he would be discharged on the 4th of June next, when the two months would expire from the time of his committal to prison.

I transmitted a copy of this despatch to Mr. Fish, who, in reply, addressed to me the note of which a copy is inclosed, and in which he gives as a reason for not having applied for the extradition of Maraine Smith, that Her Majesty's Government had informed the United States that Winslow and other fugitive criminals then in British jurisdiction would not be surrendered.

I have forwarded a copy of Mr. Fish's note to the Governor-General of Canada.

I have, &c.,

*The Earl of Derby.*

EDWD. THORNTON.

*(Inclosure 1.)—The Earl of Dufferin to Sir E. Thornton.*

SIR,

*Government House, Ottawa, May 6, 1876.*

It has been reported to me, by the Secretary of State for Canada, that a person of the name of Maraine Smith, late of the city of Detroit, in the State of Michigan, was, on the 4th of last month, committed to gaol at Sandwich, in the county of Essex, Province of Ontario, as a fugitive from the justice of the United States, on the charge of having murdered one Daniel R. McKeon.

As the usual application for the surrender of this man under the Extradition Treaty has not been received by me, I have the honour to request that you will be good enough to inform the Secretary of State of the United States that on the 4th of June, two months from the date of his committal to prison, he will, under the Imperial Statute 38 and 34 Vict., cap. 52, be entitled to claim his discharge.

I have, &c.,

*Sir E. Thornton.*

DUFFERIN.



(*Inclosure 2.*)—*Mr. Fish to Sir E. Thornton.*

SIR, *Department of State, Washington, May 17, 1876.*

I HAVE the honour to acknowledge the receipt of your note of the 13th instant, informing me, at the request of the Governor-General of Canada, that one Maraine Smith, late of Detroit, was committed as a fugitive from justice in the county of Essex, Ontario, upon the 4th April last, and as the usual application for his surrender, under the Extradition Treaty, had not been received, that upon the 4th June he will be entitled to claim his discharge.

Upon the 11th ultimo, the Governor-General of Michigan addressed me, stating that the person referred to, after an examination, had been committed for the crime of murder, and was held to await extradition, and requested that the proper steps be taken for that purpose.

The case had not been brought to the attention of this Department prior to that time.

As Her Majesty's Government at the time of the receipt of this communication had already informed the United States that Winslow and other fugitive criminals then in British jurisdiction, in whose cases the necessary steps had been taken, and who had been committed for extradition, could not be surrendered pursuant to the stipulations of Article X of the Treaty of 1842, it was deemed advisable to desist from preferring applications for extraditions in new cases until the final decision of Her Majesty's Government on that question should be reached, and the Governor of Michigan was informed of this conclusion.

While, therefore, requesting you to express the thanks of this Government to his Excellency the Governor-General of Canada for his courtesy in furnishing the information referred to, I have to request that you will inform him of the reason why no formal request has been preferred in this case pending the decision of Her Majesty's Government in the Winslow and other cases now before it.

I have, &c.,

*Sir E. Thornton.*

HAMILTON FISH.

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*Sir E. Thornton to the Earl of Derby.—(Received June 3.)*

(Extract.)

*Washington, May 22, 1876.*

I UNDERSTAND that Mr. Fish received on the evening of the 17th instant a copy of your Lordship's note of the 4th instant, to Colonel Hoffman, relative to the Winslow extradition case. It was taken into consideration at the Cabinet meeting of the 19th instant, at which, as it is generally reported, it was decided that the United States' Government could not recede from the conclusion already arrived at.

I yesterday saw Mr. Fish at his own house, when he told me that he would, if possible, send an answer to your Lordship by to-morrow's mail; but the language which he used left me with the conviction that the United States' Government would not recede from the position which it has already taken, and that it was of opinion that the President could not give an assurance the conditions of which he was powerless to enforce with the State Courts.

*The Earl of Derby.*

EDWD. THORNTON.

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*The Earl of Derby to Colonel Hoffman.*

SIR,

*Foreign Office, June 3, 1876.*

WITH reference to my letter of the 29th of March, I have the honour to acquaint you that a letter has been received from Her Majesty's Secretary of State for the Home Department stating that the solicitors of Charles Louis Brent, who stands committed to Middlesex House of Detention for the crimes of forgery and uttering forged paper with a view to his surrender to the United States as an extradition prisoner, have given notice to Mr. Cross that they intend to apply on the 9th instant to a Judge in Chambers for Brent's release out of custody under the provisions of section 12 of 33 and 34 Vict., c. 52, or for a writ of *habeas corpus*.

Her Majesty's Attorney-General will be instructed to appear and move that the application be postponed to the same day to which Winslow's case is adjourned.

I have, &c.,

*Colonel Hoffman.*

DERBY.

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*Mr. Fish to Colonel Hoffman.—(Communicated to the Earl of Derby by Colonel Hoffman, June 6.)*

SIR,

*Department of State, Washington, May 22, 1876.*

YOUR despatch under date of May 6, inclosing a copy of a note addressed to you by Lord Derby in relation to the extradition of Winslow, bearing date May 4, reached me late on the 17th instant.

This note of Lord Derby's, on its face, is a reply to a note from you to him, wherein you communicated the general purport of an instruction addressed by me to you under date of the 31st of March last, but on the 29th of April last you had given to Lord Derby a copy of the instruction of 31st of March. His Lordship's note of the 4th of May is therefore taken as a reply to that instruction, although it contains allusion to some expressions in your note which were not there in pursuance of your instruction.

If Her Majesty's Government had simply persisted in a refusal to deliver Winslow and the other criminals now in custody awaiting extradition, for the reasons heretofore given, it would have been

unnecessary to prolong discussion, inasmuch as the distinct and definite refusal of this Government to give any assurance or stipulation not called for by the Treaty, or to admit the right of Great Britain to exact from the United States stipulations foreign to the Treaty, as a condition of the performance by Great Britain of her obligations, had already been communicated to Lord Derby.

But, as the note in question assumes to give the grounds on which the refusal to surrender the criminals is based, and in large measure seems to change those previously assumed, and as the United States cannot assent to the accuracy of many of the statements made, or to the inferences drawn therefrom, it seems necessary that some reply should be made.

In my instruction of the 31st of March last, reference was made in detail to numerous cases decided in the Courts, and to evidence from various sources, alike British and American, including the testimony of British officials best versed in extradition law, the opinion of British Crown Lawyers, the published decisions of British Courts and British writers upon extradition law, that where a criminal was in good faith demanded for one offence within the Treaty and surrendered therefor, there was no agreement, understanding, or practice that he might not be placed on trial for another offence with which he was charged in addition to the extradition crime.

Lord Derby does not explain, modify, or deny that this whole current of authority is to this effect, but meets the point with the assertion that "there is no case within the knowledge of this" (the British) "Government in which a prisoner was surrendered by England for one offence and tried by the United States for a different one," and states that the case of Heilbronn was a "private prosecution," and that no evidence can be found of the attention of the Government having been called to it. In a subsequent passage he again speaks of "private prosecutions" to which the attention of the Government has not been called. I am at a loss to appreciate the application of the term "private" to the prosecution of a felony in the name and behalf of the State or Sovereign. If, however, it means no more than what is claimed when it is said that the attention of the Government had not been called to a particular case, the question arises as to that jealous protection of individual and personal rights which is the just pride of British as it is of United States' laws, and which constitutes so large a part of Lord Derby's note. The alleged criminal in whose behalf the State has exercised its sovereign power, whom it has seized and brought from a distant land under solemn Treaty obligations, is especially entitled to be looked after by the State, and be protected in such rights as belong even to the criminal.

If Lord Derby's theory that the prohibition of the trial of a surrendered fugitive for other than the specific crime for which he had been delivered be correct, either as a recognized principle of the general or international law of extradition (if there be any such agreement between nations on the subject of extradition as to form what can be regarded as "international law"), or as implied in the Treaty of 1842, then a surrendered fugitive is, under such international law (if such it be), or under such Treaty, placed in the hands of the receiving Government with the highest obligations of honour, of justice, and of international faith to protect that fugitive from any other prosecution than such as that Government claims that he is liable to.

The fugitive is surrendered to the Government in its political capacity, and if he be subjected to any prosecution against which he has a right to immunity, the Government into whose special charge and guardianship he has been surrendered for a specific purpose violates its faith and neglects its duty, both to the individual surrendered and to the State which surrendered him. On the theory advanced by his Lordship the surrendered fugitive must look to the State in its political character—what Lord Derby calls "the Government"—for his protection, and that power, call it State or Government, cannot escape its responsibility by the plea of ignorance, and that its attention had not been called to the case.

Heilbronn was a fugitive criminal demanded by Great Britain under the Treaty of 1842, on the charge of forgery, and was accordingly delivered up by the United States to British justice. He was tried for forgery before a British Court and acquitted, and was thereupon indicted and tried for a public offence not named in the request or warrant of extradition, and one not included in the Treaty, and he was thereof convicted.

If, under British jurisprudence, no public prosecutor is provided to enforce her law against criminals surrendered on a demand made upon a foreign State, and the duties of a prosecutor are discharged by an individual, not technically a servant of the Crown, but permitted to assume that office, can the Government of Great Britain claim or expect that the regular proceedings in her Courts can be disavowed by the political branch of the Government, as not having been brought to its attention, or that such proceedings form no element in determining what has been the practice of the two Governments under the Treaty?

Heilbronn's case was not referred to as an exceptional one, but as one of the numerous instances, all tending to prove the unbroken practice and understanding of the two Governments. In addition to Heilbronn's and the other cases heretofore referred to by me, there are other and recent decisions of distinguished British Judges

directly upon the point, and in full harmony with the views maintained by the United States.

Mr. Justice Ramsay, in the case of Israel Rosenbaum in the Supreme Court of Canada in 1874, when the discharge of the prisoner was claimed because there was no prohibition under the laws of the United States against the trial of criminals for offences other than those for which they were extradited, as was required by the Act of 1870, says:—

“If it were recognized as a principle of international law that a prisoner extradited could only be tried for the crime for which the extradition took place, it would not have been necessary for the Imperial Parliament to make these provisions” (alluding to the provisions of the Act of 1870), and adds, “I am not, however, aware that it has been laid down in England that a man once within the jurisdiction of English Courts could set up the form of his arrest, or the mode by which he came into custody, as a reason for his discharge when accused of crime;” and the same was substantially held in the case of Worms, extradited from Canada within the last few weeks.

It is not the province of any Government to make inquiry into the extent of the knowledge which the political department of another Government may have as to the practice or the administration of justice in its Courts in reference to extradition; but I have alluded in prior instructions to the uniform practice without dissent or objection in both countries under the Treaty of 1842, and have shown that it was common in both countries, and that it was held by high judicial decisions in both that a prisoner extradited in good faith for an extradition crime might also be tried for another crime.

Lord Derby in his note again refers to the provisions of the Act of Congress of August 12, 1848, as showing that persons delivered up could not be tried for any offences other than those for which they were surrendered; although in my former instruction I stated that the United States' District Court, and the Solicitor-General acting in the place of the Attorney-General, had each separately decided precisely the opposite. The construction of the municipal laws of a State pertain to that State, and not to other Governments.

In the United States a Treaty, duly ratified and exchanged, is the supreme law of the land, and its provisions are binding without legislation.

It becomes convenient, however, from time to time to enact laws to regulate the general course of proceedings arising under one or a variety of Treaties; but such legislation is purely internal and municipal.

The Act of 1848 recognizes the fundamental doctrine that the surrender of a fugitive criminal is a political act of the Government, and the function of the Court or magistrate is only to determine

whether a case has been made out in accordance with the Treaty, or the statute enacted in aid of its enforcement. It neither adds to, nor detracts from, the obligations created by the Treaty, and is not essential to the execution by the United States of its engagements under the various Extradition Treaties into which this Government has entered, but affords a convenient and satisfactory aid in the administration of these obligations.

When the United States, by section 27 of the Treaty of 1794,\* in much the same language as the present Treaty, engaged to deliver up fugitives, no Act whatever was passed, but fugitive criminals, nevertheless, were given up on the demand of Great Britain under that provision of the Treaty. In like manner, when Article X of the Treaty of 1842 went into effect, no statute was needed; but six years thereafter (in 1848) the Act in question was passed, it being thought advisable to provide machinery to carry out all Treaties providing for extradition, not only with Great Britain, but with all Governments with which the United States had and might have any Treaties, no matter what may be their particular provisions.

Of these Treaties some, as I have said, contain restrictions as to the crimes for which a criminal may be tried by the State demanding him, and others are silent on the question, but the Act applies to all.

Lord Derby, in his note to you, contends that the British Extradition Act of 1870 imposed no new condition upon the Treaty of 1842; but in his note of April 18 he refers to the condition "which Her Majesty's Government are compelled to require under section 3, sub-section 2, of the Act of 1870."

When it is proposed to engraft, whether by implication or by Act of Parliament, upon an existing Treaty, a provision not expressly contained therein, I may be permitted to look into the debates in the British Parliament in 1866, when it was proposed to amend a Bill to carry into effect the Treaty with France, by requiring a stipulation similar in its purport to that now asked of the United States, and there find that his Lordship, at the time Lord Stanley, and then as now Her Majesty's Secretary of State for Foreign Affairs, opposed the amendment, saying that "in a case like this, international courtesy demanded that the Treaty should not be materially altered without communication with the other party." In the same debate Lord Cairns, then Attorney-General, and now Lord Chancellor, said that the bargain was made between the Sovereigns, and the amendment "proposed to introduce a new ingredient into the bargain which did not exist at the time the bargain was made. It might have been unreasonable that this new ingredient had not been introduced at the beginning, but to introduce it now was simply to

break the bargain which the Sovereigns had made, and Parliament had ratified; it was to infringe upon Treaty engagements, and that without notice to the other side;" and further, and in particular reference to the latter part of the amendment, quite similar to the provisions of the Act of 1870, now under discussion, he said, "To put such words into an Act of Parliament, which did not exist in the Treaty, would only be offering a gratuitous insult to the foreign Power to whom it applied, without securing any real advantage." The amendment was withdrawn.

The Treaty between Great Britain and France, which was the subject of that debate, was, like that between Great Britain and the United States of 1842, silent as to an inhibition of the prosecution of a surrendered fugitive for other than the specific offence for which he was given up. The proposition in Parliament thus sternly and honestly denounced and defeated as "discourteous," as "breaking a bargain," as "infringing upon Treaty engagements," as a "gratuitous insult to a foreign Power," and "as securing no real advantage," is nevertheless what it is now claimed to have been done by virtue of the Act of 1870, with regard to the United States.

Her Majesty's Court of Queen's Bench, in *Bouvier's case*, and more recently the Courts in Canada, have substantially held the same high doctrine which the eminent statesmen whom I have cited not long since announced in their places in Parliament. Neither international law nor international courtesy have changed the principles on which they were then recognized as resting.

The United States adheres to the position announced in my former instruction, that it will recognize no power to alter or attach conditions to the executory parts of an existing Treaty, to which it is a party, without its previous assent.

Lord Derby seems to imagine some want of reconciliation between the views of the United States upon this extradition question, and those asserted in its behalf on the rights of political asylum, and asks what is to prevent the United States from obtaining a prisoner on one charge and trying him for a political offence. The answer is ready. The inherent inborn love of freedom, both of thought and of action, is engraved in the heart of the people of this country so deeply, that no law can reach, and no Administration would dare to violate it.

A large proportion of those who sought refuge on our shores prior to the formation of this Government, sought this country for the enjoyment of freedom of opinion on political and religious subjects, and their descendants have not forgotten the value of an asylum, nor the obligation of a State to shelter and protect political refugees.

Neither the extradition clause in the Treaty of 1794, nor in that

of 1842, contains any reference to immunity for political offences, or to the protection of asylum to political or religious refugees. The public sentiment of both countries made it unnecessary.

Between the United States and Great Britain it was not supposed on either side that guarantees were required of each other against a thing inherently impossible, any more than by the laws of Solon was a punishment deemed necessary against the crime of parricide, which was beyond the possibility of contemplation.

That a sentiment stronger than written law has been sufficient to prevent any attempt to infringe on this right, it is but necessary to recall the political events occurring in England, in Ireland, and in the United States since the Treaty of 1842 has been in force, the attempted and the actual rebellions which have been witnessed, and the consequent exodus of parties engaged, and yet not a demand by either Government upon the other for the surrender of a fugitive for a political offence. In this respect, what has been must continue to be.

Careful as this Government has been, and will be, to maintain the right of asylum for political and religious refugees, it is mindful of the duty to its own citizens and to society at large devolving upon a State, to visit punishment upon offenders against the laws, a duty in no way antagonistic to the preservation of the right of asylum.

The rights of society and the duties of the State in the punishment of criminals should not be narrowed and unduly restricted upon the vague suggestions or fear that, at some time, some political criminal may be placed in jeopardy.

The duty of Government to protect its own citizens and punish crime is equally a duty with that of affording hospitality and shelter to political offenders from abroad. The Government of the United States sees no reason why either should be sacrificed to the other, any more than why all criminals should escape for fear some political offender may suffer.

His Lordship believes that the only test and safeguard for the liberty of the individual and the maintenance of the right of asylum are to be found in the principle for which he contends, that the crime or crimes of which a man is accused in the country surrendering, and for which he is surrendered, are the only crimes for which he ought to be tried in the country claiming.

Differing with his Lordship, I think that the liberty of the individual and the right of asylum would be equally guarded (independently of any reliance on common principles, and on the good faith of both nations) by a Treaty, providing that a surrendered criminal shall be tried for none other than one of the several crimes enumerated in the Treaty, and for which each Government is willing to surrender. The fugitive would thus be effectually protected



against trial for a political offence, justice would be more effectually administered, and crime be allowed less chance of escape.

The United States would not object to such limitation in any Treaty which it may be called upon to negotiate with a foreign State. But with the limitation proposed by Lord Derby, it is possible that, if a criminal be surrendered on a charge of murder, and if the evidence developed on the trial establish only manslaughter, he might consequently escape. Or, if one be charged with assault with intent to kill, and after the issuing of the requisition or of the warrant, the victim dies, it is doubted whether, in this case, under the common law of England, which obtains also in most of the United States, the fugitive could be convicted of assault, &c., and not having been surrendered for murder, the doctrine contended for would protect him from trial on such charge.

I should not here again advert particularly to the British Act of 1870, but that Lord Derby's note seems to invite some examination of its provisions, and that he alludes to the abortive efforts made since its enactment to negotiate a new Treaty of Extradition between the United States and Great Britain, and as he seems to claim, under its provisions.

In 1870, Great Britain had three Treaties of Extradition with France, Denmark, and the United States.

Owing to difficulties presented by British law, the Treaty with France had been, at least between 1843 and 1866, practically a dead letter; the Treaty with Denmark had (as has been represented) rarely been resorted to, if at all.

English practice as to extradition had been with the United States under the Treaty of 1842. What that practice had been I have shown. Great Britain, at this time, determined to establish a system of extradition, applicable to all Governments, for her convenience, and in order to save the difficulty which had been experienced in obtaining the assent of Parliament, or in providing the means of carrying out a Treaty; and in substance proposed to define under what limitations and conditions extradition ought to be and might be had.

It was her right to propose a system, and to invite foreign States to accede to her views, and make Treaties thereunder. The general system, however, was anomalous. It applied the same restrictions to a Christian or a non-Christian State, and left no opportunity to suit a particular Treaty to the particular demands of two Governments. Soon after the passage of the Act of 1870 a proposition was made to the United States to make a Treaty thereunder, and after some examination the proposition was declined.

In 1873 an amendatory Act was passed, and further application being made, a negotiation was inaugurated.

Difficulties were experienced at the outset and at every stage, growing out of the system which had been adopted and the inflexible character of the provisions of the Act. Various drafts were from time to time prepared at the British Foreign Office, and discussed, with an effort to reach an agreement. In these drafts it was proposed that a criminal should not be tried for any offence committed prior to his surrender, other than the particular offence on account of which his surrender was made. And while an effort was made to extend the right to try a criminal to any of the extradition crimes named in the Treaty, and to any higher crime than that for which he was surrendered, the effort was abandoned, because the United States was informed that under the Act a provision was inadmissible by which an offender surrendered for one offence named in the Schedule could be tried for any other than the extradition crime.

The negotiation was continued, however, until June 1874, when the United States reached the conclusion that a Treaty could not be negotiated under the Act.

That this Government ever reached or expressed the opinion that this Act was the embodiment of what was the general opinion of all countries on the subject of extradition is far from correct.

On the contrary, the United States was and is of the opinion that as the provisions in a Treaty, placing limits on the right of a foreign State to try extradition criminals are chiefly inserted to protect political refugees, it amounts to a surrender of criminal justice to that principle to limit the right to a trial for the single particular crime named in the warrant of extradition; but a proper limitation might be made by providing that the criminal shall be tried for no political offence and for no crime not an extradition crime.

Such is understood to be the provision in almost all the French Treaties negotiated with European Powers; such was substantially the provision in the Treaty negotiated between Great Britain and France in 1852;\* and such is the express provision inserted in the Treaty negotiated between the British Island of Malta and Italy in 1863, and approved in Great Britain.

From the earliest period this Government has had occasion to consider the questions arising under extradition law, the Articles of Confederation having extradition provisions, as has the Constitution of the United States, governing the question between the States of the Union; and, while the United States do not profess to lay down rules of international law on this question, this Government does not consider it now for the first time, nor has its jurisprudence been silent in developing the system. In the negotiation referred to the attention of the Government of the United States was directed to the proposed Treaty more than to the Act, looking to its provisions

\* Vol. XLI. Page 20.

as binding on the Government of Great Britain entirely, irrespective of the Act in question.

But many of the provisions of the Act did not, and do not, seem to be reciprocal, and appear to furnish excuses for a failure to perform an obligation imposed by a Treaty made thereunder, or a shelter for a responsibility which naturally belonged to the Government.

In view of the position assumed by Great Britain during this controversy, by which Treaty provisions are practically made subservient to Acts of Parliament, the difficulty and want of reciprocity in making any Treaty thereunder becomes more apparent.

It is not my intention to attempt to critically examine this British Statute, but it will not be inappropriate to refer to some of these provisions.

Her Majesty's Government reserves to itself the right by section 2, after an arrangement has been made with a foreign State by the Order in Council applying the Act, or by any subsequent Order, to "limit the operation of the Order," to restrict the same, and "to render the operation thereof subject to such conditions, exceptions, and qualifications as may be deemed expedient."

Again section 2, sub-division 1, provides that a fugitive criminal shall not be surrendered for a political offence, "or if he prove to the satisfaction of the Police Magistrate, or the Court before whom he is brought on *habeas corpus*, or to the Secretary of State, that the requisition for his surrender has, in fact, been made with a view to try or punish him for an offence of a political character;" in substance, therefore, the criminal may make two appeals from the decision of a Police Magistrate on this question, and provided he succeeds on any application, he may be discharged; but no provision is made for an examination of the question, in any quarter, should the Police Magistrate decide in favour of the criminal. In such event a question which is purely one for the Government to deal with is remitted to a Police Magistrate; and should he improperly decide, the Government is sheltered by a quasi-judicial decision, and this of an officer not necessarily of a high grade.

Again section 2, sub-section 3, provides that a fugitive criminal shall not be surrendered unless provision is made by law in the foreign State, or by arrangement, that he shall not, until he has had an opportunity of returning, &c., be tried "for any offence committed prior to his surrender, other than the extradition crime, proved by the facts on which the surrender is grounded."

It will be seen that the word "crime" is carefully used in the singular; and, as Lord Derby states in his note, this Government was informed in 1870 that any provision would be inadmissible, by which a prisoner surrendered for one offence could be tried for any "other than the extradition crime for which he was surrendered."

But when the corresponding provision limiting Great Britain to trials is examined, section 19, it is provided that a criminal so surrendered "shall not be triable, or tried, for any offence committed prior to the surrender, in any part of Her Majesty's dominions, other than such of the said crimes as may be proved by the facts on which the surrender is grounded."

The want of reciprocity of these provisions is quite clear, inviting frequent questions and difference. To make one further remark as to this Act, the latter part of section 7 provides, that if the Secretary of State is of opinion that an offence is one of a political character, he may refuse an order for a warrant of apprehension, and that he may "at any time order a fugitive criminal accused or convicted of such offence to be discharged from custody."

In the drafts of Treaties prepared and submitted to this Government, under this Act, no such corresponding authority to discharge criminals in custody was proposed to be given to the United States; nor does the Act seem to contemplate a reciprocal right to other Powers.

I repeat that this Act does not concern the United States, except in so far as it is put forward to limit our Treaty rights, and I have been drawn into any consideration of its system or particular provisions only from the language of Lord Derby, that it was the embodiment of the general opinion of all countries on the subject of extradition.

Moreover, if the United States had been willing to negotiate a new Treaty, which should contain restrictions as to trials not included in the existing Treaty, and give certain advantages not known thereto, such readiness could not justify Great Britain, after the negotiation had failed, in withholding all the advantages, and in seeking to ingraft upon the old Treaty such of the rejected provisions as she might select, particularly so when the Act of Parliament of 1843\* was by its provisions to continue as long as the Treaty, and section 27 of the Act of 1870 exempted the Treaty with the United States from the clauses which were foreign to its terms; and when the United States soon after the passage of the Act of 1870, and on January 27, 1871, had informed Her Majesty's Government that this Government understood section 27 of the Act of 1870 as giving continued effect to the existing engagements for the surrender of criminals, to which no dissent was at any time or in any form or manner expressed. In fact, the understanding of the United States on this question was not only not dissented from, but has been sustained by the Supreme Court of Canada, in *Worms'* case in 1876, and in *Rosenbaum's* case in 1874, where the Court states, "I cannot see how a new provision of the Act of 1870 could

\* Vol. XXXI. Page 1220.

be consistent with the Treaties with France, the United States, and Denmark," and by the conclusion, so far as a conclusion was reached, by the Courts of Queen's Bench in the case of Bouvier in 1872, to which I have heretofore referred, where the Lord Chief Justice says, that although he hesitates to express an opinion, he plainly sees that it was intended, while getting rid of the statutes by which the Treaties were confirmed, to save the existing Treaties in their full integrity and force, and that had it been necessary to decide that point he would have been prepared to do so.

Having examined that case with care, as to what was there decided, I read with surprise Lord Derby's statement that the point decided was that, under the provisions of the French Treaty, unless it had been proved to the Court that the French law had provided that Bouvier could not be tried for any other offence than that for which he was surrendered, Bouvier could not have been delivered up, and I am quite satisfied that a perusal of the case itself will tend to a very different conclusion.

Lord Derby makes reference to certain correspondence between an official of the Home Office and the solicitors of Lawrence soon after his surrender, and before any representation had been made to this Government. This correspondence assumed, in a few words, to prejudice and dispose of the whole question, and to state what was the law of this country, and the general law of extradition of all countries in reference to the trial of surrendered fugitives. It was unknown to, unauthorized by, this Government, and founded on the representation and argument of the criminal. It appeared in the public prints, and was used by the counsel and friends of Lawrence in the United States to prejudice the question and create difficulty between the two Governments; and I deeply regret the necessity which requires me to question the reference to *ex parte* representations made by the paid solicitors of a criminal to an official of a foreign Power in the discussion of a grave question involving the rights and impugning the conduct of a friendly State, and jeopardizing the maintenance of a Treaty of long standing and of beneficial operations.

Lord Derby also quotes a letter of instruction addressed by the Attorney-General of the United States to the District Attorney at New York in reference to the trial of Lawrence, whose case in the whole correspondence seems to have overshadowed that of Winslow, which alone is the subject of the present requisition made by the United States upon Her Majesty's Government, and his Lordship inquires as to the power of the Attorney-General over prosecutions instituted against extradited criminals.

The letter in question was addressed by the Head of the Department of Justice to one of his subordinate officers in reference to

the conduct of a case under his charge. The Attorney-General directs that "Lawrence must first be tried upon the charge upon which he was extradited, and upon no other until that trial is ended."

This letter of instruction, passing from a superior to a subordinate officer, was not, and was not intended to be, an exposition of the views of the Government upon any general proposition, but a specific instruction in a particular case; and, whether or not he had ever examined the opinion of the late distinguished Under-Secretary of State for Foreign Affairs of Her Majesty's Government, he seems to have been guided by the same appreciation of Treaty rights and of international law which led Lord Hammond, in his examination before the Special Committee of the House of Commons, to say, "We admit in this country that, if a man is *bonâ fide* tried for an offence for which he was given up, there is nothing to prevent his being subsequently tried for another offence, either antecedently committed or not."

In reply to the question of Lord Derby as to the power of the Attorney-General over prosecutions, it will be borne in mind that in the United States an offence may be against Federal laws or against the laws of one of the States. The Attorney-General has power to control all criminal prosecution for offences against the Government, pending in the Federal Courts, but no power whatever to interfere, directly or indirectly, in any State prosecution.

The President has, in like manner, the power to pardon criminals convicted, and to direct the suspension or dismissal of criminal prosecutions, in the Federal Courts, but none to pardon those tried and convicted in the State Courts, or to control the proceedings of these Courts.

Criminals of both classes come under the Extradition Treaty. It happens that Lawrence is charged with crimes against the Government, and Winslow and the other forgers with crimes against State laws.

Neither the President, nor any officer of the Federal Government, has power to control or to dismiss the prosecution in Winslow's case, or in any case where the offence is against the laws of one of the States, and could not give any stipulation or make any arrangement whatever as to the offences for which he should be tried, when returned to the justice of the State against whose laws he may have offended.

But, as I have before stated, a Treaty duly ratified and proclaimed is, in the United States, the supreme law of the land, and if the Extradition Treaty did, as it does not, provide that no criminal could be tried for any other than certain particular offences, such a provision would be binding upon all Courts, both State and Federal.

The absence of any such provision from the Treaty between the United States and Great Britain leaves to the State Courts the extent of jurisdiction over returned criminals which has been so repeatedly referred to as recognized by the judicial divisions of the Courts of both countries.

His Lordship refers to the "late case of Blair, who was (as his Lordship mildly expresses it) inveigled by a British subject, with the assistance of American officers, from the United States, and tried at Liverpool for fraudulent bankruptcy, and sentenced to imprisonment."

He was promptly released by the British Government, which sent him back to the United States, paying his expenses back to the place whence he had been brought.

This prompt and generously just conduct of Her Majesty's Government is duly recognized and appreciated by the United States. The abduction was, however, regarded by this Government as a case of kidnapping, but the power so promptly and efficiently exercised by the British Government is an evidence of the inherent power existing in the Political Department of that Government, when it sees fit to exercise it, over the person of the individual, and in control even of the judgment of the Courts.

Could not the power thus summarily exercised in an act of comity, and in consideration of a wrong committed in a distant jurisdiction, be also exercised in the performance of a Treaty obligation, and in aid of the administration of justice, without being hampered by the technicalities of a municipal act? Whether Blair personally desired to be returned to the United States is not known, nor is it supposed to be of any consequence. He was deported and sent out of Her Majesty's jurisdiction by the political authorities of the Government, without process of law, but merely upon the representation of the United States of the circumstances attending his abduction or inveiglement.

His Lordship speaks of having been "assured of the intention of the United States' Government to try Lawrence for other than the extradition crime for which he was surrendered." Her Majesty's Government has never been thus assured, and for the very good reason that the Government of the United States has never reached any such conclusion, and has neither expressed nor formed any such intention.

It does, however, hold to the opinion that, if thus inclined, it has the power and the right, after having tried him on the charge on which he was surrendered (although he may have been surrendered on only one of 12 or more charges of which the proofs were furnished), with a *bond fide* intent and effort to convict him on that one charge, to try him for others of the many offences of which he has

been guilty. It does not conceal, but avows its belief in this right. And hereupon Lord Derby advances the startling declaration, which I repeat in his own words: "They (Her Majesty's Government) have always regarded the claim so to try him as a breach of the Treaty of 1842."

If Her Majesty's Government seriously advances this as indicating a mode whereby, in their judgment, a Treaty may be broken, it is as novel as it may prove to be far-reaching. It is simply the proposition that the assertion by one party to a Treaty of a claim, or of a construction of the instrument not admitted by the other, and without any act in derogation of the Convention, or of the rights of the other party, constitutes of itself a breach of the Treaty.

I note this assertion, not with a view to discussion, but in the hope that so dangerous a doctrine may prove to have been unguardedly advanced, and may not be left unexplained or unavowed, to justify future action (from whatever quarter) upon its broad statement, under which Treaties and Conventions become worthless.

While it may not be necessary to repeat the position of the United States, it is proper to say that the United States has simply demanded the performance by Great Britain of her Treaty obligation to deliver fugitives, under the Treaty of 1842, as the same as been in operation for more than 30 years, and insists that no British statute can attach a condition to the Treaty foreign to its terms.

If any proceedings in the United States, in the case of any criminal, have given rise to question or complaint, this Government is prepared to hear and properly dispose of any such complaint.

But while the Treaty shall be in force, the Government of the United States would be strangely forgetful of the dignity and rights of the country, if a foreign State were permitted to exact stipulations or engagements, pursuant to her law, but foreign to the Treaty, as a condition of obtaining the performance of Treaty obligations.

It will be a cause of great regret that a Treaty which has worked so long and so beneficially should be terminated on such a ground, but the decision of this question is for the authorities of Great Britain. The United States has, in due form, and after complying with every requirement of the Treaty, demanded the surrender of Winslow and the other criminals in London, and it is for Her Majesty's Government to decide whether Great Britain will or will not perform her Treaty obligations.

You will read this instruction to Lord Derby, and in case he desires it, you will furnish him with a copy.

I am, &c.,

*Colonel Hoffman.*

HAMILTON FISH.



*Colonel Hoffman to the Earl of Derby.*—(Received June 6.)

MY LORD, *Legation of the United States, London, June 6, 1876.*

REFERRING to your notes of the 5th and 6th May, in the matter of Winslow, I have the honour to forward to your Lordship herewith a copy of an instruction I have received from Mr. Fish in answer to those notes, with directions to communicate it to your Lordship.

I have, &c.,

*The Earl of Derby.*

WICKHAM HOFFMAN.

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(Inclosure.)—*Mr. Fish to Colonel Hoffman.*

SIR, *Department of State, Washington, May 24, 1876.*

SINCE instruction dated the 22nd instant was prepared, I have received your despatch under date of the 11th instant, inclosing copies of two notes addressed to you by Lord Derby, on the subject of the extradition of Winslow, bearing date respectively the 5th and 6th instant.

In the former of these notes Lord Derby informs you that a copy of instruction of March 31, which had been transmitted to him by you on April 29, had been communicated to Her Majesty's Secretary of State for the Home Department, who had requested him to call your attention to the part which alludes to Lawrence's case, and which states that, although not arraigned on any other indictment than for the forgery for which he was extradited, the British Home Office has raised the question that he may be possibly tried for other charges and for other crimes, and states that the Home Secretary wishes to observe that no question was raised by him until he was satisfied that Lawrence had been indicted, although not yet arraigned, for smuggling.

An indictment was found against Lawrence for smuggling February 3, 1875, a month before any steps had been taken towards his extradition or any demand made therefor.

The indictment had been found some time before he departed for Great Britain; his extradition was not asked therefor, nor was the charge proved against him in the proceedings in London, and he has not been arraigned upon it in this country.

The United States has stated what is claimed to be the practice and the right of this Government under the Extradition Treaty, but has not stated its intentions as to the trial of Lawrence, nor has Her Majesty's Government, so far as I am aware, any evidence to justify any conclusion on that point.

Lord Derby, in his subsequent note of the 6th of May, informs you, in reply to your note transmitting references to certain late decisions in the Supreme Court of Canada, not in harmony with the position assumed in the case of Winslow, that the Home

Secretary has informed him that he differs from the Canadian Judges, and calls attention to the case of the *Lennie* mutineers, heard on the 5th of May in London.

This case, as I apprehend, would be governed by the French Treaty, made under the Law of 1870, and by that Act, and, if so, would be in no way applicable to the present discussion.

You will furnish Lord Derby with a copy of this instruction.

I am, &c,

Colonel Hoffman.

HAMILTON FISH.

*Sir E. Thornton to the Earl of Derby.*—(Received June 8, at night.)

(Telegraphic.)

Washington, June 8, 1876.

I HAVE received your telegram of the 29th ultimo. Mr. Fish says that the United States' Government cannot possibly, under the pressure of what it considers to be, in the case of Winslow and the others, a menace of violation of the 1842 Treaty, negotiate any new Treaty; and that his Government would not venture under these circumstances to propose such a measure to the Senate. He considers also that, for the reasons stated in his despatch to Colonel Hoffman of the 22nd ultimo, and some others, it would be impossible for the United States' Government to conclude a new Treaty in accordance with the provisions of the British Extradition Act.

*Colonel Hoffman to the Earl of Derby.*—(Received June 9.)

MY LORD, Legation of the United States, London, June 9, 1876.

I HAVE the honour to acknowledge the receipt of a copy of correspondence respecting extradition which your Lordship has had the goodness to send me.

Referring to Lord Tenterden's note to Mr. Liddell of the 25th ultimo, I beg to correct a misapprehension as to the suggestion therein referred to as made by me.

Speaking of the chances of making a new Treaty and the difficulties in the way, I ventured to suggest, that if we should find it impossible to agree upon all the Articles of a new Treaty, we might amend the old one by adding to it such Articles as we were agreed upon. I had no intention to suggest a particular amendment as the means of meeting the present difficulty.

I have, &c.,

The Earl of Derby.

WICKHAM HOFFMAN.

*Sir E. Thornton to the Earl of Derby.*—(Received June 11.)

(Extract.)

Washington, May 29, 1876.

It appears that the case of Lawrence was unexpectedly called up in the United States' Circuit Court on the 25th instant, and that

General Butler, who has lately become Lawrence's counsel, stated that the prisoner wished to withdraw his former plea of not guilty and to plead guilty to the indictment which charges him substantially with the crimes for which he was surrendered by Great Britain.

The District Attorney, on being asked by the Judge whether he wished to move for immediate sentence, replied that he did not at present. General Butler then asked that the prisoner should be admitted to bail, pending sentence, which was allowed, and the bail was fixed at 15,000 dollars. This was at once furnished by Lawrence's wife and another person, who were present and prepared for that purpose.

Under the interpretation given by the United States to the Treaty of 1842, Lawrence is certainly open to prosecution for other crimes, if the Government should wish to accumulate sentences against him. If I were to ask Mr. Fish officially whether the Government intended to prosecute him further, he would merely answer me that it claimed the right to do so; but I have good reason to believe that there is no intention to try Lawrence on any other indictments.

*The Earl of Derby.*

EDWD. THORNTON.

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*Sir E. Thornton to the Earl of Derby.—(Received June 11.)*

MY LORD,

*Washington, May 29, 1876.*

ON the receipt of your Lordship's telegram of the 26th instant, I called that evening on Mr. Fish at his house, and communicated to him its contents. Mr. Fish at once expressed his regret that Colonel Hoffman should have made any suggestion to your Lordship to the effect that the difficulty with regard to the extradition of Winslow might be met by an Additional Article to the Treaty of 1842. He said, however, that he had, as yet, received no information upon the subject from Colonel Hoffman, and that he would prefer not saying anything more that evening, but hoped to see me the next morning at the State Department, when he might have received some communication from Colonel Hoffman.

I had the honour to telegraph to your Lordship the principal points of the conversation which we had on that morning.

In the evening of that day I received from Mr. Fish a memorandum, for which I had not asked, of the conversation which we had had in consequence of your Lordship's telegram. Although its contents were correct as far as they went, many points which I considered of importance were entirely omitted. I therefore called again at the State Department this morning, when he explained

more fully what he had meant to say on Saturday, and drew up another Memorandum, which, at his request, I signed.

Of this Memorandum I have the honour to inclose a copy. There was one point, however, upon which he and I differed. I had understood him to say that in any new Treaty which might be made, the United States would be willing to come to a simple agreement that no one should be surrendered for a political crime without any stipulation being necessary as to the particular authorities before whom the accused might prove that the crime for which his surrender was asked was of a political nature. But this morning he insisted that he said that the United States would agree simply that no surrendered criminal should be tried for a political crime, thus transferring the decision of what was a crime from the surrendering to the demanding Government.

I assured Mr. Fish that I had not so understood what he had said on Saturday, but added that I would submit his observations to your Lordship, although I thought that Her Majesty's Government would find great difficulty in agreeing to such a proposition. Mr. Fish then said that if the two Governments should have the good fortune to be able to agree upon all other points, he would not say positively that the Government of the United States might not also accede to a simple stipulation that no one should be surrendered for a political crime, thus leaving it to the surrendering Government to decide whether the crime for which extradition was asked was a political crime; whilst, if it were agreed that the criminal might be tried for any and all the crimes enumerated in the Treaty, the demanding Government would be at liberty to decide whether any other of these crimes for which he was open to trial was, under the circumstances, a political crime.

I have, &c.,

*The Earl of Derby.*

EDWD. THORNTON.

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(*Inclosure.*)—*Memorandum of a Conversation between Sir E. Thornton and Mr. Fish, at the Department of State, Saturday, May 27, 1876.*

SIR EDWARD THORNTON read a telegram from Lord Derby stating, in substance, that Mr. Hoffman, the United States' Chargé in London, had suggested to him that an Additional Article to the Treaty of 1842 might be negotiated, and he (Lord Derby) thereupon proposed that an Article similar to Article III of the *projet* of a Treaty which was under consideration between Sir Edward and Mr. Fish in June 1873, which proposed to restrict the trial of a surrendered fugitive to that for the specific crime for which he may have been surrendered, and to which Article he said Mr. Fish had

proposed an amendment prescribing the time within which the fugitive might be at large after trial or discharge before he could be arrested for trial on another offence, and during which he should be at liberty to return to the country by which he had been surrendered. That if this proposal be accepted by the United States, he (Lord Derby) would sign the new Article in London with Mr. Hoffman, or Sir Edward Thornton would be authorized to sign it here with Mr. Fish.

Mr. Fish, in reply, expressed regret and surprise that Mr. Hoffman should have made any suggestion on the subject, and assured Sir Edward Thornton that Mr. Hoffman had no authority from his Government to make or to entertain any such proposition or suggestion, but that he was strictly limited to the conveyance of specific instructions from his Government so far as relates to any question affecting the construction of the Extradition Treaty between the two Governments, and Mr. Fish requested Sir Edward Thornton to assure Lord Derby to this effect. Mr. Fish added that he endeavours to give Mr. Hoffman instructions on that particular question which should be read to Lord Derby, and not to leave anything for oral representation or oral discussion, in order to avoid the possibility of any misapprehension from telegrams or other cause.

With regard to the proposition for negotiating an Additional Article to the Treaty of 1842, he remarked that although he might have been willing in the negotiations of 1873 to have inserted the Article now proposed, in a Treaty which gave to the United States the improvements which it desired in the Treaty of 1842, of a larger list of extradition crimes and other advantages, it could not be expected that the United States would now accept the limitations and restrictions upon what it holds to be its rights under the Treaty without obtaining any of the advantages for which such limitation might have been accepted.

That the United States is extremely anxious to reach a satisfactory settlement of the difficulties which have been interposed in the execution of the Treaty, but that the proposed Article would impose upon the United States the limitation which it denies to exist under the Treaty, and would secure no one advantage which it desired, and no improvement upon the Treaty of 1842.

And further, that in view of the argument which has been advanced by the British Government of the controlling form of the Act of Parliament over all Treaties or arrangements for extradition made by Her Majesty's Government subsequent to its enactment, it might be claimed, and possibly not without some force, that an Article in amendment or additional to the Treaty of 1842 would bring that Treaty under the operation and control of the Act, which

this Government denies to be the case, and cannot consent to. It would be admitting away one of the grounds on which the United States stands.

He referred to what he considered defective features in the British Act of 1870, which he thought made it unequal in its provisions as to the British and to the foreign Government, and as wanting in reciprocal powers and rights.

He further said that he thought it unwise to attempt to patch up the Treaty of 1842, that the present would not be a propitious moment for such efforts, and that whenever anything is attempted in the way of altering that Treaty it would require a more general revision, and especially an enlargement of the list of extradition crimes.

Mr. Fish added that the United States would not object in any negotiation, to be hereafter entered upon, that a Treaty should provide to the effect that a surrendered criminal shall not be tried for any crime or crimes other than such as are of the class enumerated in the Treaty as extradition crimes, nor be tried for any political offence.

In this connection he referred to the Treaty negotiated in 1852 between Great Britain and France (signed by Lord Malmesbury and Count Walewski), which contained a provision to that general effect.

And upon Sir Edward Thornton observing that the Act of 1870 would prevent the British Government from agreeing to such a stipulation, Mr. Fish asked whether Her Majesty's Government could not obtain from Parliament a special enabling or ratifying Act for the particular Treaty which might be negotiated between the two countries.

Mr. Fish further said that with such provision in a Treaty, and with the similarity of feeling of the two Governments and of their people on the question of political asylum, a full protection would be secured against the trial of a surrendered fugitive for any political offence; and that the violation of such provision by either of these two Governments was not within the reach of contemplation, but should it occur it would lead to the denunciation of the Treaty by the surrendering State, which would also be at liberty to hold the offending State to its responsibilities for violating a Treaty engagement, the Treaty would be broken by an act in violation of its terms; whereas if the State, on which the demand for surrender is made, decide that such demand being made (as it must be) for one of the extradition offences is really designed to bring the fugitive to trial for a political offence, and refuses surrender on that ground, it would be an imputation on the good faith of the request, and upon the integrity of the demanding State, which would justly give rise

to resentful feelings, and would equally lead to a denunciation of the Treaty by the State whose requisition has been refused, and whose honour and integrity has been questioned, and in this case the Treaty would fail, not for an act done, but for the questioning of the good faith of one of the parties.

EDWD. THORNTON.  
HAMILTON FISH.

*The Earl of Derby to Colonel Hoffman.*

SIR, *Foreign Office, June 15, 1876.*

WITH reference to my letter of the 31st ultimo, I have the honour to inform you that a letter has been received from the Home Department transmitting a copy of a report from the Solicitor to the Treasury stating that application was made at Judges' Chambers to-day for the discharge of Winslow, when Her Majesty's Attorney-General attended and stated the present condition of the negotiations between this country and the United States, when, after hearing counsel for the prisoner, the application was acceded to by the learned Judge.

I have, &c.,

*Colonel Hoffman.*

DERBY.

*The Earl of Derby to Colonel Hoffman.*

SIR, *Foreign Office, June 16, 1876.*

I HAVE the honour to acknowledge the receipt of your letter of the 9th instant, calling attention to the letter from this Department to the Home Office of the 25th ultimo, published in the papers recently presented to Parliament respecting extradition, and explaining the intention of the suggestion which you were good enough to make with the view to the settlement of the questions which have arisen as to the interpretation of Article X of the Treaty of 1842.

I have, &c.,

*Colonel Hoffman.*

DERBY.

*Sir E. Thornton to the Earl of Derby.—(Received June 25.)*

MY LORD, *Washington, June 12, 1876.*

I HAVE the honour to inform your Lordship that the House of Representatives received from the President on the 10th instant a Message transmitting, in answer to a Resolution of the 30th of March last, a Report from the Secretary of State, with accompanying papers, which presents the correspondence and condition of the question with regard to the construction of the Extradition Treaty with Great Britain.

The papers were referred to the Committee on Foreign Affairs,  
and ordered to be printed. I have, &c.,  
*The Earl of Derby.* EDWD. THORNTON.

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*The Earl of Derby to Colonel Hoffman.*

SIR, *Foreign Office, June 30, 1876.*

HER Majesty's Government have had under their consideration the despatch from Mr. Fish of the 22nd of May, which you did me the honour of communicating to me on the 6th instant, in regard to the Winslow extradition case, and I have now the honour of stating to you the observations which Her Majesty's Government are desirous of offering in reply.

In the first place, I must repeat that Her Majesty's Government have always maintained that it is an essential principle of extradition, as permitted or practised by this country, that a person surrendered on an Extradition Treaty can be tried for the offence for which he is surrendered, and for no other offence previously committed.

They have maintained, and must continue to maintain, that this is the proper construction of the Treaty of 1842; that it is the meaning which at the time was attached, and which has since continued to be attached, by this country to that Treaty; and that it is the meaning which they had understood was attached to that Treaty by the Government of the United States.

Upon this, which Her Majesty's Government cannot but regard as the cardinal question in the case, little or nothing is said in Mr. Fish's despatch. He dwells at length upon the Act of 1870, and upon the arguments by which he maintains that the Treaty of 1842 ought not to be affected by that Act. Her Majesty's Government look upon the applicability of that Act as an important, but still as an entirely subordinate question in the case. If that Act did not exist Her Majesty's Government would feel themselves equally bound to maintain the position which they have taken upon the construction of the Treaty of 1842.

It is desirable to advert again to the provisions of that Treaty. It provides that Her Majesty would deliver up to justice persons seeking an asylum, or found within her territories, charged with certain crimes committed within the jurisdiction of the United States. But this is not to be done unless such evidence of criminality is given as, according to the law of this country, would justify the apprehension and committal of the person if the crime had been committed in this country.

The meaning of this stipulation obviously is that the country which is called upon to surrender a person who is under its protection may know both the crime of which that person is accused, and



also that the evidence discloses facts which would amount to that crime according to the law of the surrendering country.

Her Majesty's Government know what facts would constitute, according to British law, the crimes of murder or arson, or forgery, or the utterance of forged paper. But they do not know what facts would constitute those crimes according to the law of other countries. They maintain the right of asylum until criminality according to the law of this country is shown. If a person within the jurisdiction of Her Majesty were accused of arson, and the evidence did not establish a case of arson according to British law, Her Majesty's Government would refuse the extradition; but if the same person were demanded upon an allegation of forgery, and a *prima facie* case of forgery, according to British law, having been established, he were surrendered, and were afterwards to be tried, convicted, and punished for that which might be arson by foreign law, but is not by the law of this country, he would be convicted and punished for the very offence for which his surrender had been in the first instance refused.

These considerations apply more forcibly in the case of political offences.

Her Majesty's Government do not suggest that the Government of the United States would desire or seek the surrender of political refugees, but the construction of Treaties of this kind must be general, and the same words cannot have different meanings when applied to different countries.

One main object of requiring evidence to be adduced, not merely establishing an offence called by the name of the offence specified in the Treaty, but establishing the offence of that name according to the law of the surrendering country, is to prevent the surrender of a person being made upon a charge of a crime of equivocal and uncertain meaning, and a trial being subsequently had upon facts which would be considered here as establishing a political offence, and not the crime for which the surrender was made.

Mr. Fish indeed contends that the risk as to extradition for offences really political may be disregarded; but Her Majesty's Government cannot regard as satisfactory the only security against this risk which he offers.

The circumstances alleged to constitute any one of the offences specified in the Treaty may be such as to show the close connection of political considerations with the offence charged, and the surrendering country, which must be the judge of whether the offence is, or is not, political, must have an opportunity of exercising this judgment by the facts of the case being presented to it.

There may be no political considerations connected with the offence for which a prisoner is surrendered, while there may be political considerations connected with the offence for which he is

tried; but if a prisoner is surrendered on the one charge and tried on the other, the political ingredient is withdrawn from the judgment of the surrendering country.

Mr. Fish's answer to this difficulty is that no Administration would dare to violate the right of political asylum by obtaining a prisoner on one charge and trying him for a political offence.

Now, if the Government of the United States were the masters of the prosecution Her Majesty's Government might accept this assurance. But Mr. Fish, at the same time that he offers this assurance, informs Her Majesty's Government that if the offence is one against the laws of one of the States, the Attorney-General of the United States has no power to interfere, directly or indirectly, nor has the President any power to control the proceedings, or even to pardon those tried and convicted.

It must be apparent from these considerations that the objects so carefully provided for by the stipulations of the Treaty would be wholly frustrated if a person surrendered upon the allegation and proof of one offence were afterwards to be tried for other offences not alleged or proved as a ground of surrender.

Her Majesty's Government consider that this conclusion is the necessary result of the provisions in the Treaty itself; but they are able to adduce the strongest possible contemporaneous evidence that this was the meaning placed upon the Treaty by both parties to it.

Her Majesty's Government, upon the conclusion of the Treaty, immediately applied to Parliament for power to give effect to surrenders according to its provisions. By section 8 of the Act of 1843 (6 & 7 Vict., c. 76) Her Majesty's Secretary of State is authorized to order the delivery of the person committed on the charge of the specified offence to an officer who is, in the words of the statute, "to convey such person to the territories of the United States, to be tried for the crime of which such person shall be so accused."

The words of this statute sufficiently attest the meaning attached to the Treaty by the Parliament of Great Britain.

The Act of Congress of August 12, 1848, cap. 167, sec. 8, is the best exposition of the construction put upon the Treaty by the United States.

It is in these words:

"It shall be lawful for the Secretary of State to order the person so committed to be delivered up to such person or persons as shall be authorized in the name and on behalf of such foreign Government, to be tried for the crime of which such person be so accused."

Her Majesty's Government have stated that they had reason to believe, until the present controversy arose, that the Government of the United States continued to place upon the Treaty of 1842 the same construction which it was thus originally supposed to bear.

They consider that they were justified in entertaining this belief by the course taken by Mr. Fish in 1871, 1872, and 1873, as detailed in my note of the 4th ultimo.

During these years the draft of a new and extended Treaty of Extradition was under negotiation between Her Majesty's Government and the Government of the United States. That draft Treaty, as proposed by Her Majesty's Government, contained this Article :

"ART. VI. When any person shall have been surrendered by either of the High Contracting Parties to the other, such person shall not, until he has been restored or had an opportunity of returning to the country from whence he was surrendered, be triable or tried for any offence committed in the other country prior to the surrender, other than the particular offence on account of which he was surrendered."

Alterations in the draft Treaty were proposed by the Government of the United States, to some of which Her Majesty's Government were willing to accede, although upon one Article, that relating to political offences, they were unable to agree to a form of procedure satisfactory to the Government of the United States; but throughout the whole of the negotiation no objection whatever was made by Mr. Fish to Article VI, which on both sides was assumed to be nothing more than the expression of the principle of extradition as it then stood.

Indeed, Mr. Fish not merely made no objection to the Article, but he gave his distinct approval by appending to it a paragraph emphasizing its provisions in these words :

"No person shall be deemed to have had an opportunity of returning to the country whence he was surrendered until two months at least shall have elapsed after he shall have been set at liberty and free to return."

In opposition to these arguments drawn from the construction of the Treaty, and from the exposition of it admitted by both the Contracting Parties, Her Majesty's Government cannot admit the propriety of placing, as Mr. Fish is disposed to do, the dicta of text-writers, or the opinion expressed by the late Under-Secretary of State in his evidence given before a Committee of the House of Commons.

As to the case of Heilbronn, Her Majesty's Government much regret that a charge was made against this prisoner not justified by the extradition warrant under which he was received; but, though the charge was preferred, according to the ordinary forms of criminal procedure, in Her Majesty's name, it is the well-known course of law in this country that every private individual has the power of presenting an indictment, while, as a matter of fact, the presenting or finding of that indictment is entirely unknown to any person representing the Executive Government.

Her Majesty's Government must repeat that this departure from the extradition warrant in the case of Heilbronn was not the act of Her Majesty's Government, nor was it called to their attention or known to them; and Her Majesty's Government are not now aware of any other instance which has occurred in this country during the long period that has elapsed since 1842, where a person surrendered under the Treaty of 1842 has been put upon his trial for an offence other than that in respect of which his extradition was demanded.

As to the cases in Canada referred to by Mr. Fish, the attention of Mr. Justice Ramsay in Rosenbaum's case appears to have been occupied with the question as to the consistency of the Act of 1870 with the Treaty of 1842, and with the question whether the prisoner on his trial could set up as a defence the irregularity of his extradition, both of which questions are collateral to the main argument.

With respect to the case of Worms, it is to be regretted that the appeal from the order for his extradition was not permitted to proceed in due course, by reason of an Act of the Legislature of the Dominion, taking away the right of appeal in extradition cases, having passed after Worms' notice of appeal had been given.

It is not easy to appreciate the inference which Mr. Fish seeks to draw from a reference to the debate in the British Parliament in 1866, since this debate exhibits in the most striking manner that the Secretary of State and Attorney-General affirmed distinctly the same principle of construction for which Her Majesty's Government now contend.

Lord Stanley said: "As to the proposal that the French Government should be required to enter into an undertaking that they would not try any person for any offence other than that for which he had been given up, he thought that that would be a very feeble protection indeed; for, assuming for the sake of argument, that the French could act in the manner suggested—and he really begged pardon for assuming it even for that purpose—he could only say that a Power which could act in such a manner would not be bound by an undertaking of the kind proposed."

The present Lord Chancellor, then Attorney-General, in the course of the same debate, added: "With respect to the latter part of the honourable member's amendment, which required that the person should not be tried for any offence but that for which he had been given up, we should certainly have a well-founded complaint against any country that demanded a man to be given up for one offence and then proceeded to try and punish him for another. But, on the other hand, to put such words into an Act of Parliament, which did not exist in the Treaty, would only be offering a gratuitous insult to a foreign Power to whom it applied, without securing any real advantage."

It would thus appear that both the speakers treated as an impossible hypothesis that any State should do that which the United States' Government now claim to have the right to do.

It is the obvious inference that the objection made in 1866 to the condition then proposed was not that it was inconsistent with the Treaty obligations already in existence, but that it was an unnecessary demand that those Treaty obligations should be expressed in distinct words.

Mr. Fish states that I contend that the British Extradition Act of 1870 imposed no new condition upon the Treaty of 1842, and Mr. Fish then proceeds to suggest a doubt whether that contention is really relied upon.

Her Majesty's Government do undoubtedly and unreservedly maintain that the Act of 1870 imposes no condition new in substance upon the Treaty of 1842, inasmuch as the true meaning of that Treaty is that a person accused of a specified crime or specified crimes shall be delivered up to be tried for the crime or crimes of which he is accused; and an agreement between two Powers that the right of asylum, equally valued by both, shall be withdrawn only in respect of certain specified offences, implies, as plainly as if it were expressed in distinct words, that in respect of the offence or offences laid to his charge, and such offence or offences only, is the right of asylum so withdrawn, and that, as a consequence, independently of the Act of 1870, it is the duty of each Government to see that the Treaty obligations in that respect are recognized and observed by the receiving Power.

Her Majesty's Government think it unnecessary to repeat the view they have already expressed as to the extent to which the action of the Executive of this country is, in their opinion, fettered by the Act of 1870, and the more so because their previous references to that Act appear to have led Mr. Fish to fail to appreciate the view of Her Majesty's Government of the effect of the Treaty of 1842, even if the Treaty had stood alone.

Mr. Fish states that the case of Winslow was alone the subject of requisition at the date of his despatch, and that the case of Winslow seems to have been overshadowed by the case of Lawrence.

Her Majesty's Government, however, desire to point out that it was with reference to the case of Lawrence that the question at issue between the two Governments arose, and the case of Lawrence has throughout been assumed to govern the other cases.

Lawrence was surrendered to the Government of the United States upon a charge of forgery. He was indicted in the United States on a charge for smuggling, which is not one of the extradition offences. Mr. Fish, in his despatch of the 24th of May, states that this indictment for smuggling was found against Lawrence before

the demand for his extradition. This may be so, but Lawrence was arrested and held to bail, on this indictment for smuggling, after his extradition. And it would appear that Mr. Fish himself stated to Sir E. Thornton on the 27th of November that, though Lawrence had not then been arraigned for any other crime than that for which he was given up, he had given bail to appear (for other crimes). These proceedings in the indictment for smuggling, taken after extradition, made the case in substance the same as if he had been indicted for smuggling after the extradition.

Had these proceedings been taken *per incuriam*, or had they been disavowed by the Government of the United States, Her Majesty's Government would have gladly accepted such an explanation. The Government of the United States, however, justifies these proceedings, and maintains distinctly and unreservedly their right to try Lawrence, if they so think fit, upon this additional charge; and they maintain that this is the meaning and construction which they place upon the Treaty of 1842.

Under these circumstances, this issue having been distinctly raised by the Government of the United States, and distinct notice having been given by them to Her Majesty's Government of the construction which they place upon the Treaty, Her Majesty's Government have been forced, most reluctantly, to come to the conclusion that they could not surrender Winalow and the other prisoners lately in custody without appearing to admit the claim of the Government of the United States, and without exposing, in a manner which they are not justified in doing, the persons whose surrender is asked for, to be dealt with as Lawrence has been dealt with, and as he is claimed to be dealt with.

Her Majesty's Government, sharing to the fullest degree the regret expressed by Mr. Fish that any difference of opinion as to the interpretation of the Treaty of 1842 should lead to its termination, informed you on the 26th ultimo of their readiness to sign an Additional Article to the Treaty in the words of the draft Article to which Mr. Fish gave his assent throughout the negotiations which were carried on in the years 1872, 1873, and 1874, with the addition which he himself then suggested.

On learning that this offer was not acceptable to Mr. Fish, although he expressed his willingness to make a new and enlarged Treaty, Sir E. Thornton was authorized to propose the immediate signature of a Treaty containing the Articles agreed upon in the draft Treaty of 1874, with the addition of a further clause intended to meet an objection formerly made by Mr. Fish on a question of procedure in reference to political offences.

This draft Treaty contained a full and complete list of crimes agreed upon with the Government of the United States, and Her

Majesty's Government hoped that this proposal might have been accepted by the Government of the United States before the time when the release of Winslow became necessary had arrived. It was therefore with sincere regret that they learnt by a telegram from Sir E. Thornton, dated the 8th instant, that Mr. Fish considered it impossible to negotiate a new Treaty under the pressure of what he looked upon as a menace of violation of the Treaty of 1842.

Her Majesty's Government desire unreservedly to express their belief that the Government of the United States, in maintaining the argument which Mr. Fish expresses, are actuated by a sincere desire to maintain and discharge the rights and duties which in their judgment flow from the Treaty obligations of 1842, and Her Majesty's Government claim for themselves to have the same construction placed upon the motives which have influenced them during these negotiations.

Her Majesty's Government would recoil from any course which would have the appearance of a failure on their part to comply with what they consider to be the obligations laid by Treaty upon them, and they deeply regret that it should have been supposed that, in negotiations with a country so closely connected with their own as is that of the United States, they could use any argument having the appearance of a menace, and, above all, a menace of the infraction of a Treaty, as a means of obtaining a Treaty in a different form.

Her Majesty's Government are persuaded that to continue to act on the present Treaty, so long as one construction is put upon its provisions by Her Majesty's Government and a different construction by the Government of the United States, must lead to misunderstandings and reclamations of the most serious kind. They would, on the other hand, deeply deplore that the arrangements for extradition between this country and the United States, which have continued so long and operated so beneficially, should be for any length of time suspended; and Her Majesty's Government have been and are prepared at any moment to join with the Government of the United States, if they are disposed to do so, in considering without bias or prejudice the terms of a new and, if necessary, an enlarged Extradition Treaty between the two countries, which, while it will protect sufficiently the right of asylum, may prevent that right being so used as to afford impunity for crime.

I have, &c.,

*Colonel Hoffman.*

DERBY.

*Sir E. Thornton to the Earl of Derby.—(Received July 4.)*

MY LORD,

*Washington, June 22, 1876.*

I HAVE the honour to inclose a copy of a Message which was sent to Congress on the 20th instant by the President with regard to the refusal of Her Majesty's Government to surrender Winslow and other fugitive criminals, except on condition that they should be tried only for the crime for which they would be surrendered.

Your Lordship will perceive that the President states that the position taken by Her Majesty's Government cannot but be regarded as the abrogation and annulment of Article X of the Treaty of 1842. He adds that the United States' Government could not, under the circumstances, either demand or grant the surrender of fugitive criminals.

The President concludes by leaving it to Congress to determine whether the above-mentioned Article is any longer to be regarded as obligatory upon the Government of the United States.

I have, &c.,

*The Earl of Derby.*

EDWD. THORNTON.

*(Inclosure.)—Message from the President of the United States respecting the Extradition Treaty with Great Britain.—Washington, June 20, 1876.*

THE Speaker *pro tempore*. The Chair lays before the House a Message from the President of the United States, which the Clerk will read.

The Clerk read as follows :—

“To the Senate and House of Representatives :

“By Article X of the Treaty between the United States and Great Britain, signed in Washington on the 9th day of August, 1842, it was agreed that the two Governments should, upon mutual requisitions respectively made, deliver up to justice all persons who, being charged with certain crimes therein enumerated, committed within the jurisdiction of either, should seek an asylum or be found within the territories of the other.

“The only condition or limitation contained in the Treaty to the reciprocal obligation thus to deliver up the fugitive was that it should be done only upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged should be found, would justify his apprehension and commitment for trial if the crime or offence had there been committed.

“In the month of February last a requisition was duly made, in pursuance of the provisions of the Treaty, by this Government upon that of Great Britain for the surrender of one Ezra D. Winslow



charged with extensive forgeries and the utterance of forged paper, committed within the jurisdiction of the United States, who had sought an asylum and was found within the territories of Her Britannic Majesty, and was apprehended in London. The evidence of the criminality of the fugitive was duly furnished and heard, and, being found sufficient to justify his apprehension and commitment for trial, if the crimes had been committed in Great Britain, he was held and committed for extradition.

"Her Majesty's Government, however, did not deliver up the fugitive in accordance with the terms of the Treaty, notwithstanding every requirement thereof had been met on the part of the United States; but, instead of surrendering the fugitive, demanded certain assurances or stipulations not mentioned in the Treaty, but foreign to its provisions, as a condition of the performance by Great Britain of her obligations under the Treaty.

"In a recent communication to the House of Representatives and in answer to a call from that body for information on this case, I submitted the correspondence which has passed between the two Governments with reference thereto. It will be found in Executive Document No. 173 of the House of Representatives of the present Session, and I respectfully refer thereto for more detailed information bearing on the question.

"It appears from the correspondence that the British Government bases its refusal to surrender the fugitive and its demand for stipulations or assurances from this Government on the requirements of a purely domestic enactment of the British Parliament passed in the year 1870.

"This Act was brought to the notice of this Government shortly after its enactment, and Her Majesty's Government was advised that the United States understood it as giving continued effect to the existing engagements under the Treaty of 1842 for the extradition of criminals; and, with this knowledge on its part and without dissent from the declared views of the United States as to the unchanged nature of the reciprocal rights and obligations of the two Powers under the Treaty, Great Britain has continued to make requisitions and to grant surrenders in numerous instances without suggestion that it was contemplated to depart from the practice under the Treaty which has obtained for more than 30 years until now, for the first time, in this case of Winslow, it is assumed that under this Act of Parliament Her Majesty may require a stipulation or agreement not provided for in the Treaty as a condition to the observance by her Government of its Treaty obligations towards this country.

"This I have felt it my duty emphatically to repel.

"In addition to the case of Winslow, requisition was also made

by this Government on that of Great Britain for the surrender of Charles J. Brent, also charged with forgery committed in the United States and found in Great Britain. The evidence of criminality was duly heard and the fugitive committed for extradition.

"A similar stipulation to that demanded in Winslow's case was also asked in Brent's, and was likewise refused.

"It is with extreme regret that I am now called upon to announce to you that Her Majesty's Government has finally released both of these fugitives, Winslow and Brent, and set them at liberty, thus omitting to comply with the provisions and requirements of the Treaty under which the extradition of fugitive criminals is made between the two Governments.

"The position thus taken by the British Government, if adhered to, cannot but be regarded as the abrogation and annulment of the Article of the Treaty on Extradition.

"Under these circumstances it will not, in my judgment, comport with the dignity or self-respect of this Government to make demands upon that Government for the surrender of fugitive criminals, nor to entertain any requisition of that character from that Government under the Treaty.

"It will be a cause of deep regret if a Treaty which has been thus far beneficial in its practical operation, which has worked so well and so efficiently, and which, notwithstanding the exciting and at times violent political disturbances of which both countries have been the scene during its existence, has given rise to no complaints on the part of either Government against either its spirit or its provisions, should be abruptly terminated.

"It has tended to the protection of society and to the general interests of both countries. Its violation or annulment would be a retrograde step in international intercourse.

"I have been anxious and have made the effort to enlarge its scope, and to make a new Treaty which would be a still more efficient agent for the punishment and prevention of crime. At the same time I have felt it my duty to decline to entertain a proposition made by Great Britain, pending its refusal to execute the existing Treaty, to amend it by practically conceding by Treaty the identical conditions which that Government demands under its Act of Parliament. In addition to the impossibility of the United States entering upon negotiations under the menace of an intended violation or a refusal to execute the terms of an existing Treaty, I deemed it unadvisable to treat of only the one amendment proposed by Great Britain, while the United States desires an enlargement of the list of crimes for which extradition may be asked, and other improvements which experience has shown might be embodied in a new Treaty.

"It is for the wisdom of Congress to determine whether the Article of the Treaty relating to extradition is to be any longer regarded as obligatory on the Government of the United States, or as forming part of the supreme law of the land. Should the attitude of the British Government remain unchanged, I shall not, without an expression of the wish of Congress that I should do so, take any action either in making or granting requisitions for the surrender of fugitive criminals under the Treaty of 1842.

"Respectfully submitted.

"Washington, June 20, 1876."

U. S. GRANT.

*Mr. Banks.*—I move that the Message of the President just read be referred to the Committee on Foreign Affairs, and that it be printed.

The motion was agreed to.

*Sir E. Thornton to the Earl of Derby.*—(Received July 9.)

(Extract.)

Washington, June 26, 1876.

I CALLED upon Mr. Fish at the State Department on the 22nd instant, and, in compliance with your Lordship's instructions, read to him your despatch of the 29th ultimo, and gave him a copy of it.

Mr. Fish remarked that it seemed simply to propose an amendment of the Treaty of 1842, which, he thought was violated and abrogated by the act of Great Britain in refusing to deliver up three fugitives, with regard to whom all the requirements of the Treaty had been performed on the part of the United States; that, in former conversations, he had told me that, while Great Britain was refusing to execute the Treaty, it was wholly out of the question for the United States to entertain any proposition to amend or patch it up, and inquired whether I had read the Message which the President had sent to Congress on the 20th instant, which presented the views and the position of the Government of the United States on the present attitude of the question.

I said that I had certainly read the Message, and that Mr. Fish had informed me that the United States could entertain no proposition to amend the Treaty of 1842, pending the refusal of Her Majesty's Government to surrender the criminals recently in custody, but I could not admit that Great Britain had violated and abrogated the Treaty.

I explained that the part of your Lordship's despatch which attributed to Mr. Fish the expression of willingness on the part of the United States to agree that no person should be surrendered for a political crime without reference to the authorities, who should decide whether the crime be or be not of a political character, was in consequence of my report by telegraph to that effect, as I believed

that he had actually used that expression in his conversation with me of the 27th ultimo; but that as he had subsequently informed me that he had not done so, but had said that the United States would agree that no person should be "tried" (not "surrendered") for a political crime, &c., I had so informed your Lordship in a subsequent despatch sent by the regular mail.

I then alluded to the expediency of further negotiation on the question of extradition, to which Mr. Fish replied that the despatch just read seemed to contemplate only a single amendment to the Treaty of 1842, which it had already been explained could not be entertained; that since the date of the despatch the fugitives had been released, and the practical abrogation of the Treaty had been effected. He inquired whether he was to understand me as proposing to open negotiations for a new Treaty, adding that under the circumstances the United States did not feel disposed to make a proposition for negotiating, but must withhold any expression on their part other than that of regret at the absence of a Treaty of Extradition between the two Governments, until it be in answer to a proposition and request from Great Britain.

I answered that it appeared to me that it had been made evident by several communications from your Lordship, and particularly by the despatch which I had just read to him, that Her Majesty's Government was prepared to negotiate a new Treaty of Extradition. Mr. Fish replied that he was not of that opinion; he thought that the despatch referred either to an amendment to Article X of the Treaty of 1842 or to a continuance of the negotiation which had been carried on some time ago; both of these he considered to be now entirely at an end.

I said I was confident that Her Majesty's Government was very desirous that there should be a Treaty between the two countries, and that I did not doubt that your Lordship would be prepared to instruct me to propose the negotiation of a new one to the United States' Government, but that I heard with regret the terms proposed for such a Treaty, which were not in accordance with our Act of Parliament of 1870. Mr. Fish said that he much feared that it would be difficult to conclude a Treaty on the basis of that Act. In the first place he referred to the second paragraph of section 2 of the Act, which says that "Her Majesty may, by the same or any subsequent Order, limit the operation of the Order, . . . and render the operation thereof subject to such conditions, exceptions, and qualifications as may be deemed expedient." Mr. Fish insisted that this paragraph would enable Her Majesty's Government to refuse to comply with the stipulations of a Treaty with the United States in case it should be deemed expedient under some particular circumstances to do so. This I denied, and maintained that the stipulation

of a Treaty could not be altered except by mutual consent. Indeed, I hardly thought it was necessary that the United States' Government should look narrowly into the interpretation of our Act; it was our business to see that the Treaty was in accordance with the Act of Parliament, and the United States could always insist that the stipulations of the Treaty should be carried out.

With regard to the suggestion which he had recently so often made that a surrendered criminal might be tried not only for the crime for which he was surrendered, but for any of and all the other crimes contained in the Extradition Treaty, I said that such a stipulation would not be in accordance with the Act. Mr. Fish said that it was certainly the wish of his Government to make such an agreement, and that he could not see what possible objection there could be to it, or what harm it could do the interests of justice or the rights of society. He cited the instances which he had already referred to in his despatch of the 22nd of May to Colonel Hoffman with regard to murder and manslaughter, or assault with intent to commit murder, and murder. But although Mr. Fish urged the expediency of such an agreement, he did not say, and evidently purposely avoided saying, that the United States' Government would refuse to conclude a Treaty except with such a condition.

Similar remarks were made with regard to the surrender of criminals for political crimes. He argued that it would be quite sufficient that each country should engage that no surrendered criminal should be tried for a political crime. He urged that, although it might not be well to make such a stipulation with some other nations, no harm could come of it between Great Britain and the United States, whose laws and feelings upon the subject are so much alike. And even putting those feelings out of the question, both of them would be so desirous of preserving the Treaty that each would be careful not to violate an agreement upon that subject.

Our conversation was much longer than I have been able to report to your Lordship, but the impression left upon my mind was that the United States' Government really desires to make a new Treaty; that it feels the necessity; and that great pressure will be brought to bear upon the Government by the people, who seem generally to feel that to be without an Extradition Treaty would be a great misfortune.

*The Earl of Derby.*

EDWD. THORNTON.

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*The Earl of Derby to Mr. Pierrepont.*

SIR,

*Foreign Office, July 15, 1876.*

WITH reference to the letter I had the honour of addressing to

Colonel Hoffman on the 30th ultimo, I have the honour to renew formally the proposal of Her Majesty's Government to proceed with the negotiation of a new and extended Extradition Treaty.

Requesting to be favoured with an intimation whether you have received authority from your Government to undertake such a negotiation, I have, &c.,

*E. Pierrepont, Esq.*

DERBY.

*Mr. Pierrepont to the Earl of Derby.—(Received July 18.)*

MY LORD, *Legation of the United States, London, July 16, 1876.*

WITH reference to the letter of your Lordship dated the 15th instant, and to-day received, relating to the negotiation of an Extradition Treaty, I have the honour to state that, until further instructions from my Government, I do not feel authorized to undertake such negotiation.

I have, &c.,

*The Earl of Derby.*

EDWARDS PIERREPONT.

*The Earl of Derby to Sir E. Thornton.*

SIR,

*Foreign Office, July 19, 1876.*

THE United States' Minister called upon me this afternoon, and, after premising that he had not been instructed to make any overtures for the conclusion of a new Treaty of Extradition between this country and the United States, he asked, as a personal inquiry from himself, whether Her Majesty's Government had any feeling as regards the place at which negotiations for such a Treaty should be carried on, whether they had any desire that the matter should be discussed in London in preference to Washington, or *vice versâ*.

It seemed possible, from Mr. Pierrepont putting such a question, that Mr. Fish might himself entertain some preference in regard to this point, and it did not appear to me to be one on which to raise any difficulty.

I therefore at once assured Mr. Pierrepont that we had no feeling whatever on the subject; that if the United States' Government thought it more convenient that the negotiations, the speedy initiation of which seemed so desirable for both countries, should be carried on in London, I had no doubt that he and I would be able to discuss the matter thoroughly and satisfactorily. If, on the other hand, Mr. Fish had a preference for Washington, Her Majesty's Government would be equally satisfied to leave the negotiation in your hands.

I am, &c.,

*Sir E. Thornton.*

DERBY.

*Mr. Pierrepont to the Earl of Derby.—(Received July 22.)*

*Legation of the United States, London,*

*July 21, 1876.*

DEAR LORD DERBY,

REFERRING to our conversation about the place to conduct negotiations upon the subject of extradition, and, to avoid misunderstanding, I have to say that Mr. Fish desires these negotiations to be conducted at Washington.

I have, &c.,

*The Earl of Derby.*

EDWARDS PIERREPONT.

*Mr. Fish to Mr. Pierrepont.—(Communicated to the Earl of Derby, August 23.)*

SIR,

*Department of State, Washington, August 5, 1876.*

MR. HOFFMAN's despatch of the 3rd of July forwarded to the Department a copy of Lord Derby's note to him dated the 30th of June, in which he did me the honour to take into consideration, and to offer a reply to mine to Mr. Hoffman under date of the 22nd May, in regard to the Extradition question.

Subsequent to the date of this instruction to Mr. Hoffman of the 22nd May, and prior to the date of his Lordship's reply, Her Majesty's Government had discharged from custody the fugitives whose surrender had been demanded of Great Britain by the United States, with all the requirements of the Treaty between the two Governments, providing for the extradition of fugitive criminals.

This act of Her Majesty's Government called for the decision of the President of the United States, which was announced in his Message to Congress of the 20th of June last, of which you have been given a copy, wherein he stated that the position thus taken by the British Government, if adhered to, cannot but be regarded as the abrogation and annulment of the Article of the Treaty on Extradition; that, under the circumstances, it would not, in his judgment, comport with the dignity or self-respect of this Government to make demands upon that Government for the surrender of fugitive criminals, nor to entertain any requisition of that character from that Government under the Treaty.

The general question has, therefore, for the present at least, and while the British Government adheres to the position it has taken, become an abstract one, and this Government has no desire, under such circumstances, to prolong a discussion which does not promise to lead to any good result.

I deem it proper, however, to correct an error of fact into which his Lordship appears to have fallen.

In my instruction of the 24th of May, alluding to a statement of the Home Secretary that no question had been raised by him until he was satisfied that Lawrence had been indicted, though not

arraigned, for smuggling, I stated that the indictment against Lawrence for smuggling was found some time before any proceedings were taken for his extradition.

In his reply thereto, Lord Derby now states, "This may be so, but Lawrence was arrested and held to bail on this indictment for smuggling after his extradition."

After a careful examination of the question, and upon the authority of a report from the officer particularly charged with the prosecution of Lawrence, which entirely agrees with the information in the possession of the Department of State, it may be stated that since Lawrence arrived in the United States in custody, upon the proceedings taken in London for his extradition, he has not been arrested, has not given bail, and has not been arraigned or called upon to plead to the charge of smuggling, nor has he been arrested, arraigned, or called upon to plead to any indictment, or to any charge whatever; not based upon the particular charge of forgery upon which he was surrendered.

Bail was fixed by the Court upon a single indictment based on the forgery on which he was extradited, which was never offered, and to this indictment based on this forgery Lawrence pleaded guilty on the 24th of June.

This plea being entered, he was admitted to bail, and has since been at large, pending sentence.

Some error has also arisen in reference to the statement that I informed Sir Edward Thornton that, although Lawrence had not been arraigned for any crime other than that for which he was given up, he had given bail to appear for other crimes.

The accomplished Minister of Great Britain must have misunderstood what was said on this point, as Lawrence prior to his plea of guilty on the charge for which he was surrendered, and at the date of the alleged conversation, had never given bail upon any charge whatever.

Believing it important that no mistake of fact should exist as to these proceedings, you will, with Lord Derby's permission, leave with him a copy of this instruction. I am, &c.,

*E. Pierrepont, Esq.*

HAMILTON FISH.

*The Earl of Derby to Sir E. Thornton.*

(Extract.)

*Foreign Office, August 19, 1876.*

HER Majesty's Government have had under their careful consideration the question of the renewal of the negotiations for the conclusion of a new Extradition Treaty between this country and the United States, which were suspended in June 1874; and I have to request that you will assure Mr. Fish of the desire of Her Majesty's



Government to conclude a new Extradition Treaty with the United States with as little delay as possible.

*Sir E. Thornton.*

DERBY.

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*The Earl of Derby to Sir E. Thornton.*

SIR,

*Foreign Office, October 14, 1876.*

I HAVE to state to you that Her Majesty's Government, having regard to the very serious inconvenience and great encouragement to crime which would arise from a continued suspension of the extradition of criminals between the British dominions and the United States, have determined to instruct you to inform Mr. Fish that, as a temporary measure, until a new Extradition Treaty can be concluded, they will be prepared to put in force all powers vested in them for the surrender of accused persons to the Government of the United States, under the Treaty of 1842, without asking for any engagement as to such persons not being tried in the United States for other than the offence for which extradition has been demanded.

It is, however, to be borne in mind that each Government has the right laid down in Article XI of the Treaty of 1842, which provides that Article X shall continue in force until one or the other of the Parties shall signify its wish to terminate it, and no longer.

You will address a note to Mr. Fish in the sense of this despatch.

I am, &c.,

*Sir E. Thornton.*

DERBY.

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*The Earl of Derby to Sir E. Thornton.*

SIR,

*Foreign Office, October 14, 1876.*

WITH reference to my despatch of this day's date, respecting the temporary arrangement which Her Majesty's Government are willing to make for the continued surrender of criminals under Article X of the Treaty of 1842, I have to observe that Her Majesty's Government can only undertake to carry this out so long as no attempt is made in the United States to try a person thus surrendered for any other than the offence for which the extradition was demanded. Should such an attempt be made, Her Majesty's Government will feel compelled at once to terminate Article X of the Treaty.

Her Majesty's Government understand that, as a matter of fact, no such additional crime is charged or likely to be charged against Winslow, Brent, or Gray.

The United States' Government are already aware, from the correspondence that has taken place, that the powers of the Government of Her Majesty as an executive authority may be found, when the construction of the Act of 1870 is raised before the Courts of

Law, to be limited by that Act. It is possible that the Courts of Law may place an interpretation upon the Act of 1870, prohibiting Her Majesty's Government from surrendering an accused person without the preliminary condition specified in section 8, subsection 2, of the Act.

Her Majesty's Government do not anticipate that this will be the view taken of the Act of 1870 by the Courts of Law, but they must guard themselves by stating that they cannot undertake to carry out the surrender of accused persons except subject to this contingency.

I have thought it right to make the foregoing observations in order that, in your communications with the United States' Government, you may clearly explain the position in which Her Majesty's Government are placed with regard to this matter.

I am, &c.,

*Sir E. Thornton.*

DERBY.

*Sir E. Thornton to the Earl of Derby.—(Received November 16.)*

MY LORD,

*Washington, November 2, 1876.*

I HAVE the honour to inform your Lordship that I addressed a note on the 27th ultimo to Mr. Fish in the words of your despatch of the 14th ultimo, proposing that a temporary arrangement should be agreed upon for the revival of the Extradition Article of the Treaty of 1842. I also wrote him at the same time another note, proposing to him the negotiation of a new Extradition Treaty.

Yesterday morning I received from him his note dated the 30th ultimo, copy of which I have the honour to inclose. From this note, the greater part of which I telegraphed to your Lordship yesterday, I gather that the United States' Government expects that Her Majesty's Government will express its readiness to surrender Winslow, Brent, and Gray, and in the event of its doing so will consider Article X of the Treaty of 1842 again in force.

I have, &c.,

*The Earl of Derby.*

EDWD. THORNTON.

*(Inclosure.)—Mr. Fish to Sir E. Thornton.*

SIR,

*Department of State, Washington, October 30, 1876.*

I HAVE the honour to acknowledge the receipt of your note of the 27th instant, wherein you inform me that you have received instructions from Lord Derby to state that Her Majesty's Government will be prepared as a temporary measure, until a new Extradition Treaty can be concluded, to put in force all powers vested in it for the surrender of accused persons to the Government of the

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United States under the Treaty of 1842, without asking for any engagement as to such persons not being tried in the United States for other than the offences for which extradition has been demanded.

Your note also calls attention to the provision laid down in Article XI of the Treaty of 1842, that Article X shall continue in force until one or the other of the parties shall signify its wish to terminate it, and no longer.

I have laid your note before the President, who observes with great satisfaction that Her Majesty's Government has decided to use its powers for the surrender of fugitive criminals without asking any stipulations or engagements in the nature of those which, in recent correspondence with reference to the requisition made by the United States in the case of Winslow and others, had compelled him, with extreme regret and reluctance, to reach the conclusion that under the position then taken by the British Government, if it be adhered to, it would not be possible for the Government of the United States either to make demands on Her Majesty's Government for the surrender of fugitive criminals or to entertain requisitions of that character from Her Majesty's Government under the Treaty.

The President concurs fully with Her Majesty's Government in its appreciation of the very serious inconvenience, and the great encouragement to crime, arising from the failure of the extradition of criminals between two States whose relations of business and of social intercourse are as close and as intimate as those which happily exist between the United States and Her Majesty's dominions; and he greets the decision of Her Majesty's Government, announced in your note, to ask no engagement with regard to the trial of persons surrendered, as the removal of the obstacle which arrested the execution and efficiency of the Extradition Article of the Treaty of 1842.

He hopes, therefore, that Her Majesty's Government will now take into consideration the applications heretofore made by the United States for the surrender of Winslow and Brent and Gray, with regard to each of whom the evidence of criminality has been duly furnished and heard, and was found sufficient to justify his apprehension and commitment for trial in accordance with the requirements of the Treaty. On an indication of readiness to surrender those persons he will authorize an agent to receive them, and will be ready and glad to respond to any requisitions which may be made on the part of Her Majesty's Government under Article X of the Treaty of 1842, which he will then regard as in full force until such time as either Government shall avail itself of the right to terminate it provided by Article XI, or until a more comprehensive arrangement can be reached between the two Governments in regard

to the extradition of criminals, an object to which he will be glad to give the attention of this Government with his most earnest desire for a mutually satisfactory result. I have, &c.,

Sir E. Thornton.

HAMILTON FISH.

*Sir E. Thornton to the Earl of Derby.—(Received November 26.)*

MY LORD,

*Washington, November 13, 1876.*

WITH reference to my despatch of the 2nd instant, in which I had the honour to transmit to your Lordship a copy of Mr. Fish's note of the 30th ultimo, I now inclose copy of the note which I addressed to him on the 27th ultimo, and to which his note was an answer.

Your Lordship will perceive that in my note I proposed the arrangement for the extradition of criminals "as a temporary measure," and that in Mr. Fish's answer he repeated my words; and at the end of his note of the 30th ultimo he further showed that he fully understood the measure to be a temporary one, by saying that the President would regard Article X of the Treaty as in full force until such time as either Government shall avail itself of the right to terminate it, provided by Article XI, or until a more comprehensive arrangement can be reached between the two Governments in regard to the extradition of criminals. I do not think that anything which I could say to him would make him more fully understand that the arrangement now proposed was intended to be a temporary one. Indeed, I am convinced that the United States' Government, and Mr. Fish particularly, are very desirous of negotiating a new Treaty upon the subject without delay, so that it may be transmitted to the Senate and confirmed by that body before the 4th of March next.

I have, &c.,

*The Earl of Derby.*

EDWD. THORNTON.

*(Inclosure.)—Sir E. Thornton to Mr. Fish.*

Sir,

*Washington, October 27, 1876.*

I HAVE the honour to inform you that I have received instructions from the Earl of Derby to state to you that Her Majesty's Government, having regard to the very serious inconvenience and great encouragement to crime which would arise from the continued suspension of the extradition of criminals between the British dominions and the United States, will be prepared as a temporary measure, until a new Extradition Treaty can be concluded, to put in force all powers vested in it for the surrender of accused persons to the Government of the United States, under the Treaty of 1842, without asking for any engagement as to such persons not being

tried in the United States for other than the offence for which extradition has been demanded.

It is, however, to be borne in mind that each Government has the right laid down in Article XI of the Treaty of 1842, which provides that Article X shall continue in force until one or other of the parties shall signify its wish to terminate it, and no longer.

I have, &c.,

*Hamilton Fish, Esq.*

EDWD. THORNTON.

*The Earl of Derby to Sir E. Thornton.*

SIR,

*Foreign Office, November 23, 1876.*

HER Majesty's Government will be satisfied if you can reply by telegraph that you have taken such steps as to enable you to place on record in a despatch that you have informed Mr. Fish that in entering into the temporary arrangement with regard to extradition, Her Majesty's Government must not be understood to recede from the interpretation which, in their previous correspondence, they have put upon the Treaty; but that, having regard to the prospect of a new Treaty and the power of denunciation of Article X of the old Treaty possessed by either party, they are willing to enter into this arrangement.

I am, &c.,

*Sir E. Thornton.*

DERBY.

*Sir E. Thornton to the Earl of Derby.—(Received December 6.)*

MY LORD,

*Washington, November 24, 1876.*

I HAVE the honour to inform your Lordship that I have this morning stated to Mr. Fish that, in entering into the temporary arrangement with regard to extradition which, in accordance with your Lordship's instructions, I proposed in my note to him of the 27th ultimo, Her Majesty's Government must not be understood to recede from the interpretation which, in their previous correspondence, they have put upon the Treaty; but that, having regard to the prospect of a new Treaty, and the power of denouncing Article X of the old Treaty possessed by either party, they are willing to enter into this arrangement.

Mr. Fish replied that they too adhere to the construction which, in the correspondence, they put upon the Treaty; and, while he regretted that he was not able to persuade Her Majesty's Government to adopt their views of its construction, he was glad to know that, earnestly as each presented its views, the manner of presentation had created no irritation, and had left no cause on either side of complaint.

Hitherto, neither Government had availed itself of the right

to which your Lordship had referred, reserved by Article XI, to terminate the extradition provision of the Treaty, which either party might have done, or may at any time do, on notice with or without giving a reason for it.

The President, he said, had felt that, whilst Great Britain refused to surrender the persons who gave rise to the correspondence, he could not make demands nor entertain requisitions under the Treaty.

The surrender of those persons, which Great Britain now expresses its willingness to make, will, however, remove all obstructions to its execution, and will reinvigorate the Treaty, leaving differences of opinion as to its proper construction to be entertained as either Government may construe its obligations, and leaving either party at liberty to terminate it at pleasure in accordance with Article XI. He added, however, that any differences of construction which might exist, might be speedily placed among the things of the past by the celebration of a more comprehensive arrangement, the negotiation of which the United States are ready to enter upon, as soon as the Extradition Article of the Treaty of 1842 shall again be put into practical operation.

I have, &c.,

*The Earl of Derby.*

EDWD. THORNTON.

*The Earl of Derby to Mr. Pierrepont.*

SIR,

*Foreign Office, November 29, 1876.*

I HAVE the honour to inform you that, after the communications which have recently passed between Her Majesty's Minister at Washington and Mr. Fish, of which reports have been received by telegraph, the Secretary of State for the Home Department has felt warranted in issuing orders for the apprehension of Winslow, Brent, and Gray, whose extradition has been requested by the United States' Government.

I have to add that it is desirable that this information should be treated, for the present at all events, as confidential.

I have, &c.,

*E. Pierrepont, Esq.*

DERBY.

*Sir E. Thornton to the Earl of Derby.—(Received December 25.)*

(Extract.)

*Washington, December 14, 1876.*

MR. FISH invited me to call upon him yesterday at the State Department, and in doing so he expressed his opinion that there were some matters which we might talk about unofficially, with a view to a subsequent official agreement.

On my going there Mr. Fish said that, as the forger Brent had

been committed for extradition on the 4th instant, he did not doubt that he would be surrendered on the 19th instant. In that case the Government of the United States would consider Article X of the Treaty of 1842 as again in force, and would make and receive requisitions for the surrender of fugitive criminals. It would likewise be ready then to enter at once upon the negotiation of a new Extradition Treaty.

*The Earl of Derby.*

EDWD. THORNTON.

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*Mr. Pierrepont to the Earl of Derby.—(Received December 27.)*

*Legation of the United States,*

MY LORD,

*London, December 25, 1876.*

I HAVE the honour to acquaint you that I am advised by my Government that Charles Innis Brent having been surrendered by the Government of Great Britain to the United States under Article X of the Treaty of 1842, the President of the United States will now be ready to respond to and make requisitions under the said Article X of the Treaty aforesaid, as heretofore, subject to the provisions of Article XI of the said Treaty.

I have, &c.,

*The Earl of Derby.*

EDWARDS PIERREPONT.

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*RETURN of Cases of Extradition of Prisoners under the Treaty between Great Britain and the United States of August 9, 1842.\*—August, 1876.†*

RETURN of all Cases of Extradition of Prisoners which have occurred under Treaty between Great Britain and the United States, showing in the case of Prisoners surrendered to Great Britain, the charges on which the Prisoner was demanded, and those on which he was tried: and also stating in each case whether any special stipulation beyond those contained in the Treaty was required or conceded by the Government of either country as a condition of the surrender."

*Applications from United States to England for the Extradition of Criminals from 1842.*

Name.	Date.	Crime with which charged.	Result.
Pollock, Andrew	1843	Robbery	Extradition refused.
Kent, John..	1844-5	Murder	Discharged by magistrate.
Clinton, J. C.	1845	Forgery	Result not reported to Home Office.
Bonth, M. . .	1850	Robbery	Surrendered.
Lowden, R. . .	1851	Murder	Result not reported to Home Office.
Smith, James	1852	Murder on high seas	" "
Paramore, John	1854	Assault with intent to murder	Surrendered.
Hallyman, Thomas	1854	" "	Discharged by magistrate. Insufficient evidence.
Shapp, Henry	1854	" "	Result not reported to Home Office.
Watson, Wm. S.	1854	" "	Surrendered.
Collins, Ephraim	1854	" "	"
De Castro, J. M.	1854	Murder	Discharged by magistrate. Insufficient evidence.
Woods, John	1855	"	Result not reported to Home Office.
Souze, John	1855	"	Surrendered.
Johnson, Henry Norris	1855	"	"
Collins, James Courtney	1856	"	Discharged by magistrate. Insufficient evidence.

\* Vol. XXX. Page 360.

† Laid before Parliament in 1876.



Name.	Date.	Crime with which charged.	Result.
Stephens, Charles ..	1856	Murder on the high seas ..	Surrendered.
Abraham, Henry ..	1857	Forgery ..	Discharged by magistrate.
Burns, James ..	1858	Murder on the high seas ..	Surrendered.
Reed, George ..	1858	Attempt to murder ..	"
Shield, ——— ..	1858	Murder on the high seas ..	"
Williamson, George ..	1858	Murder on the high seas ..	Result not reported to Home Office.
Thomas, John ..	1858	Robbery and forgery ..	Surrendered.
Felton, J. ..	1858	Assault with intent to murder ..	Result not reported to Home Office.
McNeney, J. ..	1859	Forgery ..	Surrendered.
Talbot, O. H. ..	1859	Assault with intent to murder ..	Result not reported to Home Office.
Jones, Claudius ..	1859	Murder ..	Surrendered.
Boutelle, Charles ..	1859	Murder ..	Result not reported to Home Office.
White, James ..	1859	" ..	"
Hall, Philander ..	1859	" ..	"
Davenport, Daniel..	1860	Assault with intent to murder ..	Surrendered.
Smith, James ..	1860	Murder ..	"
Dover, George ..	1860	" ..	"
Lane, Edmund ..	1861	Assault with intent to murder ..	"
Hires, Gordon ..	1861	Murder ..	Discharged by magistrate.
Mitchell, Stephen ..	1861	" ..	"
Woods, William ..	1861	Murder on high seas ..	Surrendered.
Kelly, John..	1861	" ..	"
Collins, Samuel ..	1861	" ..	"
Dunberry, John ..	1861	" ..	"
Featherstone, Lewis ..	1861	" ..	"
Riley, John ..	1861	Assault with intent to murder ..	"
Smith, James ..	1861	" ..	"
Bradford, W. B. ..	1861	Murder on the high seas ..	"
Gorman, M. M. ..	1861	" ..	"
Hawkins, W. H. ..	1861	" ..	"

Name.	Date.	Crime with which charged.	Result.
Astorgo, Pedro	1861	Murder	P. Astorga and P. Sales surrendered.
Marcanos, Pedro	..	..	..
Salas, Perfecto	..	..	..
Sanda, Martin	..	..	..
Panja, John	..	..	..
Rosa, Manuel Jos...	..	..	..
Jacquire, Joseph	1861	Murder on the high seas	Surrendered.
Duffy, Thomas	1863	Murder	"
McLaren, R. N.	1863	Intent to murder	"
Miller, James	1863	"	"
Campbell, Charles..	..	..	Result not reported to the Home Office.
Brun, J.	1863	Robbery	"
Collins, W...	1863	Murder	"
Curry, —	1864	Assault with intent to murder	Surrendered.
Eneet, Francis	..	..	"
Clementa, James	..	..	Result not reported to the Home Office.
Wilson, J.	1864	Piracy	"
O'Brien, Daniel	..	..	..
Kelly, —	1865	Forgery	Surrendered.
Windsor, O.	1865	Murder	Extradition refused.
Ward, G.	1865	A murderous assault	"
Good, Thomas	1865	Murder	Died before any steps could be taken.
Booth, Wilkes	1866	Forgery	Result not reported to Home Office.
Flint, O. C.	1870	"	"
Phillips, J. A.	1870	"	Nothing came of this case.
Seitz, Charles Frank	1870	"	Result not reported to Home Office.
Mitchell, John	1870	"	Discharged by magistrate.
Cunningford, James	1872	Murder	Magistrate declined to issue warrant, as the
Crunk or Crank, John Henry	1873	Robbery	charge only amounted to "larceny."
Howard, Charles, or Ohymman, or Mac-	1878	..	farlane.

Name.	Date.	Crime with which charged.	Result.
Raymond, S., or Seymour O.	1874	Forgery	Surrendered.
Klenen, Frederick	1874	"	"
Cabill, Thomas	1874	Murder	"
Hackett, Laurence	1874	Assault with intent to murder	"
Meyers, Wm. Augustus	1875	Murder	"
Lawrence, C. L.	1875	Forging and uttering	"
Smith, William	1875	"	"
Miller, George	1875	Murder	"
Glew, John	1876	"	Not surrendered.*
Brent, O. J.	1876	Forgery	"
Winlow, E. D.	1876	"	"
Gray, Colletto, or Morgan	1876	"	"

\* Warrants were issued in November, 1876, for the apprehension of Winlow, Brent, and Gray. See Page 901.

*Applications from England to the United States for the Extradition of Criminals from 1842.*

Name.	Date.	Crime with which charged.	Crime for which sentenced.	Result.
Gilmour, Christina	1843	Murder	"	Result not reported to Home Office.
Burgess, W.	1844	Forgery	"	"
Elder, J.	1844	"	"	"
Warr, Henry	1845	"	"	"
Dolan, Patrick	1846	Murder	"	"
O'Donnell, B.	1846	"	"	"
Managan, Kyran	1846	Homicide	"	"
Glover, R. F.	1846	"	"	"
Glover, William	1848	Forgery	"	"

Name.	Date.	Crime with which charged.	Crime for which sentenced.	Result.
Bailey, G.	1850	Forgery	..	Result not reported to Home Office.
Forbes, J.	1850	"	..	"
Mathews, G.	1850	"	..	"
White, Richard	1850-1	Murder	..	"
Holdsworth, —	1851	Forgery	..	"
Barrett, W. H.	1852	Uttering a forged bill of exchange	..	"
Daley, D.	1852	Murder	..	"
Oain, Thomas	1852	Attempting to commit murder in Ireland	..	"
Heilbronn, Alexander	1854	Forgery	Embezzlement	Tried at Central Criminal Court, April 1854. Sentenced to six years' penal servitude.
McFarlane, James	1858	"	..	Committed suicide in Dublin.
Caldar, William	1858	"	..	Result not reported to Home Office.
Pennon, Patrick	1857	Murder	..	"
Wilson, George	1861	Forging a bill of exchange	Forging an acceptance of a bill of exchange	Tried at York Assizes, Dec. 7, 1871. G. Wilson sentenced to four years' penal servitude. J. S. Wilson sentenced to five years' penal servitude.
Wilson, John Swallow	1861	"	..	Result not reported to Home Office.
Chapman, Zephaniah	1863	Forgery	..	"
Pennington, J.	1863	Murder	..	This man was not surrendered. His death is reported, June 18, 1868.
Rose, Patrick	1863	"	..	Sentenced to death, October 27, 1864.
Müller, Frans	1864	"	Murder	Result not reported to Home Office.
Thorley, J. A.	1864	Forgery	..	"
Burton, R.	1865	"	..	"
Stevenson, James	1865	Forgery and embezzlement	..	"

Name.	Date.	Crime with which charged.	Crime for which sentenced.	Result.
Reid, Robert ..	1866	Murder ..	Murder ..	Tried at Liverpool Assizes, December 11, and sentenced to death.
Grestreux, John Henry ..	1866	Forgery ..	..	Result not reported to Home Office.
Hayes, M. ..	1866-8	Murder ..	..	Appears never to have been captured.
Dawson, George..	1867	Robbery ..	..	Result not reported to Home Office.
Kamah, Max ..	1868	" ..	..	" "
Harwood, Clement ..	1869	Forgery ..	..	" "
Wrighton, Robert ..	1869	" ..	..	" "
Stevens, John ..	1869	" ..	..	" "
Edwards, Thomas ..	1870	Murder ..	..	" "
Edwards, Jonathan ..	1872	Forgery ..	..	" "
Noonan, Dennis..	1873	Forging a bill of exchange ..	Forging a bill of exchange ..	Tried at Central Criminal Court, August 18, 1873, and sentenced to penal servitude for life. Bid-
Bidwell, George..				well was arrested at Havana.
Macdonnell, George ..				Tried at Norwich, March 20, 1878, and sentenced to ten years' penal servitude.
Sayer, Alfred ..	1873	Forgery ..	..	Tried at Central Criminal Court, December 15, 1873, and sentenced to twelve months' imprisonment.
Smith, S. A. ..	1873	" ..	..	Result not reported to Home Office.
Morgan, Wm. Henry ..	1873	" ..	..	"
Laidler, Wm. J... ..	1873	" ..	..	Tried at Central Criminal Court, August 18, 1874, and sentenced to seven years' penal servitude.
Essex, Albert ..	1874	" ..	..	

## UPPER CANADA.

*Return of all Cases of Extradition of Prisoners from the United States to the Province of Upper Canada under the Treaty between Great Britain and the United States between 9th August, 1842, and 30th June, 1867.*

Name of Prisoner.	Charges on which Prisoner was		Date of writ of recipias.	Charges on which Prisoner was tried.	Whether any special stipu- lation beyond those in Treaty was required or conceded by either country as a condition of surrender.
	Demand.	Extradited.			
James H. Hull ..	..	On charge	May 16, 1856 ..	Indicted at the London Fall Assizes, 1856, for forgery. Bill ignored by grand jury.	None.
William Townsend ..	Murder ..	"	June 3, 1857 ..	Tried for murder. The jury did not agree, and the prisoner was discharged.	"
Edgar Naiter ..	" ..	"	No record ..	Tried for murder. Convicted and sentenced to be executed.	"
Peter Lane ..	..	"	April 21, 1860 ..	Tried for arson. Convicted and sentenced to five years' imprisonment. Also at same as- sises, for prison breach. Convicted and sen- tenced to two years' imprisonment.	"
Robert Contier ..	..	"	Jan. 27, 1863 ..	Tried for murder. Convicted, and sentenced to be executed.	"
Thomas A. Milan ..	Assault with intent to kill.	"	April 3, 1865 ..	Indicted at Welland Spring Assizes, 1865, for assault with intent to kill. Not tried, owing to absence of a necessary witness. Tried also at same assises for attempt to escape. Con- victed, and sentenced to a fine of 10 dollars, and two months' imprisonment.	"
D. W. Vanacornam ..	..	"	Dec. 24, 1853 ..	Tried for forgery. Convicted and sentenced to seven years' imprisonment in the Penitentiary.	" See papers annexed, marked "G.g."*

\* See Correspondence laid before Parliament as "North America, No. 10, 1876."

## UPPER CANADA.

*Return of all Cases of Extradition of Prisoners from the Province of Upper Canada to the United States under the Treaty between Great Britain and the United States, between 9th August, 1842, and 30th June, 1867.\**

Name of Prisoner.	Charges on which Prisoner was		Date of warrant of extradition.	Charges on which Prisoner was tried.	Whether any special stipulation beyond those in Treaty was required or conceded by either country as a condition of surrender.
	Demand.	Extradited.			
Jane Glens .. .. .	Murder .. .. .	On charge demanded ..	June 28, 1849	Information not obtainable	None.
James McCaffrey .. .. .	" .. .. .	" .. .. .	March 5, 1859	" .. .. .	" .. .. .
Gabriel Wright and John Gault .. .. .	Burglary and assault with intent to commit murder .. .. .	Wright only extradited on charge of burglary and robbery .. .. .	May 10, 1850	" .. .. .	" .. .. .
James McNally .. .. .	Murder .. .. .	On charge demanded ..	Nov. 20, 1855	" .. .. .	" .. .. .
Alexander Caird .. .. .	" .. .. .	" .. .. .	May 28, 1855	" .. .. .	" .. .. .
George Pollett .. .. .	" .. .. .	" .. .. .	May 31, 1858	" .. .. .	" .. .. .
Owen Dudley .. .. .	Forgery .. .. .	" .. .. .	Oct. 29, 1858	" .. .. .	" .. .. .
Charles Miller and Catherine King .. .. .	" .. .. .	" .. .. .	Dec. 14, 1858	" .. .. .	" .. .. .
Henry Kaiples .. .. .	" .. .. .	" .. .. .	Aug. 17, 1859	" .. .. .	" .. .. .
John Faull .. .. .	Robbery .. .. .	" .. .. .	May 18, 1859	" .. .. .	" .. .. .
Joseph Bourde .. .. .	Uttering forged paper .. .. .	Forgery .. .. .	Jan. 26, 1860	" .. .. .	" .. .. .
Nelson Fenhart .. .. .	Robbery .. .. .	On charge demanded ..	July 24, 1863	" .. .. .	" .. .. .
Asher Warner .. .. .	Uttering forged paper .. .. .	" .. .. .	Oct. 1, 1864	" .. .. .	" .. .. .
†Bennet G. Burley .. .. .	Robbery .. .. .	" .. .. .	Jan. 31, 1865	" .. .. .	" .. .. .
Clarence Madigan .. .. .	Forgery and uttering forged paper .. .. .	" .. .. .	Feb. 30, 1865	" .. .. .	" .. .. .
Paul Neetler .. .. .	Forgery .. .. .	" .. .. .	May 4, 1865	" .. .. .	" .. .. .
Alexander McConnell .. .. .	Murder .. .. .	" .. .. .	April 21, 1866	" .. .. .	" .. .. .
George Peet .. .. .	" .. .. .	" .. .. .	April 19, 1866	" .. .. .	" .. .. .
John Bortles and Thomas W. Bortles .. .. .	Assault with intent to kill .. .. .	" .. .. .	March 9, 1868	" .. .. .	" .. .. .
Samuel R. Lewis .. .. .	Uttering forged paper .. .. .	" .. .. .	March 4, 1867	" .. .. .	" .. .. .
David Rose .. .. .	" .. .. .	" .. .. .	March 26, 1867	" .. .. .	" .. .. .

\* Laid before Parliament with Return of Cases of Extradition under the Treaty between Great Britain and the United States of August 9, 1849, in 1876. North American, No. 10, 1876.  
† See Correspondence between Great Britain and the United States. Vol. LK. Page 1241.

LOWER CANADA.

*Return of all Cases of Extradition of Persons from the United States to the Province of Lower Canada under the Treaty between Great Britain and the United States between 9th August, 1842, and 30th June, 1867.*

Name of Prisoner.	Charges on which Prisoner was		Date of writ of recipias.	Charges on which Prisoner was tried.	Whether any special stipulation beyond those in Treaty was required or conceded by either country as a condition of surrender.
	Demand.	Extradited.			
Cavias Lepage ..	Arson ..	On charge demanded	July 28, 1844 ..	Tried for arson and convicted ..	None.
John Cole ..	Murder ..	" ..	March 24, 1852 ..	Tried for murder and convicted ..	"
H. A. P. Holland ..	Uttering forged paper	" ..	February 6, 1855	Information not received from provincial authorities.	"
J. G. Weatherwax ..	Murder ..	" ..	Jan. 27, 1857 ..	Tried for murder and acquitted ..	"
Henry Martin ..	Arson ..	" ..	Dec. 9, 1863 ..	Tried for arson and convicted ..	"
John Paxton ..	Forgery ..	" ..	July 25, 1866 ..	Uttering forged paper ..	"

See papers annexed marked "H h."\*

\* See Correspondence laid before Parliament as "North America, No. 10, 1876."



## LOWER CANADA.

*Return of all Cases of Extradition of Prisoners from the Province of Lower Canada to the United States under the Treaty between Great Britain and the United States, between 9th August, 1842, and 30th June, 1867.*

Name of Prisoner.	Charges on which Prisoner was		Date of warrant of extradition.	Charges on which Prisoner was tried.	Whether any special stipulation beyond those in Treaty was required or conceded by either country as a condition of surrender.
	Demanded.	Extradited.			
Joel Dake .. .. .	Forgery .. .. .	On charge demanded.	Nov. 8, 1844 ....	Information not obtainable	None.
William Robinson .. .. .	" .. .. .	" .. .. .	Feb. 27, 1849 ..	" .. .. .	" .. .. .
David F. Moore.. .. .	" .. .. .	" .. .. .	Sept. 20, 1849 ..	" .. .. .	" .. .. .
Bela S. Worthen and James G. Cawley	Burglary and larceny .. .. .	" .. .. .	Sept. 29, 1849 ..	" .. .. .	" .. .. .
Michael P. Mandigo and Catherine Fadden	Uttering forged paper .. .. .	" .. .. .	August 9, 1851 ..	" .. .. .	" .. .. .
Joseph Chase .. .. .	Arson .. .. .	" .. .. .	May 31, 1851 ..	" .. .. .	" .. .. .
Frank Murray alias Frank Morin	Robbery .. .. .	" .. .. .	Nov. 4, 1852 ....	" .. .. .	" .. .. .
P. B. Kinguley and William Brown	Uttering forged paper .. .. .	" .. .. .	Aug. 26, 1853 ..	" .. .. .	" .. .. .
John Gill and Matthew Matthews	Forgery .. .. .	" .. .. .	July 27, 1854 ..	" .. .. .	" .. .. .
William Raskin.. .. .	Murder .. .. .	" .. .. .	March 18, 1854..	" .. .. .	" .. .. .
Leonard L. Cross .. .. .	Forgery .. .. .	" .. .. .	June 27, 1859 ..	" .. .. .	" .. .. .
Henry Janowitz.. .. .	" .. .. .	" .. .. .	August 22, 1859.	" .. .. .	" .. .. .
William H. Crawford .. .. .	Assault with intent to kill.	" .. .. .	January 24, 1865	" .. .. .	" .. .. .
Henry Roberts .. .. .	Forgery .. .. .	" .. .. .	Dec. 1, 1865 ....	" .. .. .	" .. .. .

## DOMINION OF CANADA.

*Returns of all Cases of Extradition of Prisoners from the United States to the Dominion of Canada, under the Treaty between Great Britain and the United States, between 1st July, 1867, and 1st May, 1876.*

Name of Prisoner.	Charges on which Prisoner was		Date of writ of <i>repleas</i> .	Charges on which Prisoner was tried.	Whether any special stipulation beyond those in Treaty was required or conceded by either country as a condition of surrender.
	Demand.	Extradited.			
J. S. Bean, Quebec ..	Arson.. ..	Arson .. ..	April 16, 1869 ..		None.
Thos. Primrose, Ontario ..	Murder and robbery ..	Robbery.. ..	January 23, 1870 ..	" "	"
E. P. Broughton, Ontario ..	Forgery .. ..	Forgery .. ..	October 2, 1873 ..	" "	"
John Dugan, Nova Scotia ..	Murder .. ..	Murder .. ..	Nov. 25, 1874 ..	" "	"
Chester D. (or E.) Campbell, Ontario	Uttering forged papers	Uttering forged papers.	Feb. 22, 1875 ..	" "	"
James Bowen, Ontario ..	Forgery, and uttering forged paper	" "	March 22, 1876 ..	" "	"



Name of Prisoner.	Charges on which Prisoner was		Date of warrant of extradition.	Charges on which Prisoner was tried.	Whether any previous stipulation beyond those in Treaty was required or conceded by either country as a condition of surrender.
	Demanded.	Extradited.			
Albert J. Gould ..	No charge specified; but prisoner spoken of as being now held in custody at Toronto	Forgery ..	January 21, 1870..	Information not obtainable	None. See papers annexed marked "Ec."*
George H. Hans ..	Robbery ..	Robbery ..	December 5, 1870..	" "	" "
Chas. Baker <i>alias</i> Thos. Wilson, <i>alias</i> Augustus Burke	Forgery ..	Forgery ..	October 28, 1871..	" "	" "
P. F. Dennehey ..	Murder ..	Murder ..	October 7, 1872 ..	" "	" "
C. H. Foster ..	Uttering forged paper	Uttering forged paper	December 24, 1872.	" "	" "
Perry Burke ..	Robbery ..	Robbery ..	December 2, 1872..	" "	" "
Aug. Tripp ..	Arson..	Arson..	August 23, 1873 ..	" "	" "
Emil. Lowstein ..	Murder ..	Murder ..	September 20, 1873	" "	" "
Jos. Hokamo ..	" ..	" ..	September 23, 1873	" "	" "
Samuel Fraser ..	Robbery ..	Robbery ..	January 5, 1874 ..	" "	" "
Israel Rosenbaum ..	Arson..	Arson..	February 20, 1874 ..	" "	" "
Wm. Johnson..	Uttering forged paper	Uttering forged paper	April 13, 1874 ..	" "	" "
Wm. Beverley ..	Assault, with intent to commit murder	Assault, with intent to commit murder	October 9, 1874 ..	" "	" "
Dabney G. Jones ..	Murder ..	Murder ..	March 21, 1876 ..	" "	" "
Charles Worms ..	Forgery ..	Forgery ..	April 11, 1876 ..	" "	" "
Andrew St. Martin ..	Assault, with intent to commit murder	Assault, with intent to commit murder	April 12, 1876 ..	" "	" "

\* See Correspondence laid before Parliament as "North America No. 10, 1876."

## BRITISH COLUMBIA AND VANCOUVER ISLAND.

*Return of all Cases of Extradition of Prisoners from the Province of British Columbia and Vancouver Island respectively to the United States under the Treaty between Great Britain and the United States, between 9th August, 1842, and 20th July, 1871.*

Name of Prisoner.	Charges on which Prisoner was		Date of warrant of extradition.	Charges on which Prisoner was tried.	Whether any special stipulation beyond those in Treaty was required or conceded by either country as a condition of surrender.
	Demanded.	Extradited.			
BRITISH COLUMBIA.					
Boom Helm .. ..	Murder ..	Murder ..	Between January and March, 1864	Murder ..	None.
Thomas Douhalme..	" ..	" ..	September, 1868	" ..	"
John N. Young .. .	" ..	" ..	" 1870	" ..	"
VANCOUVER ISLAND.					
John McDuff, <i>alias</i> Caserty	Arsen ..	Arsen ..	December 18, 1861 ..	Arsen ..	None.
Lawrence Dulligan, <i>alias</i> Brookie Jack	Highway robbery ..	Highway robbery ..	November 16, 1864 ..	Highway robbery ..	"
George Smith .. .	" ..	" ..	" ..	" ..	"
O. M. Spalding .. .	Attempt to murder	Attempt to murder	October 19, 1869 ..	Attempt to murder	"

The above Return is believed to be accurate as regards the actual cases of extradition from British Columbia and Vancouver Island. No regular record having been kept, however, there may be some inaccuracy in the dates or exact details.

A. C. ELLIOTT, Attorney-General.

## BRITISH COLUMBIA AND VANCOUVER ISLAND.

*Return of all Cases of Extradition of Prisoners from the United States to the Provinces of British Columbia and Vancouver Island respectively, under the Treaty between Great Britain and the United States, between 9th August, 1842, and 20th July, 1871.*

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Nil.

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A. C. ELLIOTT, *Attorney-General.*

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**CORRESPONDENCE** respecting the Murder of the French and German Consuls at Salonica, on the 6th of May, 1876; the Punishment inflicted on the Murderers and their Associates; and the Indemnity demanded for the Families of the Sufferers.—May–July, 1876.

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*No. 1.—Raschid Pasha to Musurus Pasha.—(Communicated to the Earl of Derby by Musurus Pasha, May 8.)*

(Télégraphique.) *Constantinople, le 7 Mai, 1876.*

Un télégramme du Gouverneur-Général de Salonique, reçu hier soir à la Sublime Porte, porte ce qui suit :

Une jeune villageoise Chrétienne, qui avait embrassé l'Islamisme, étant arrivée par le chemin de fer à Salonique, quelques parties qui attendaient à la station allaient la conduire, d'après l'usage, à la résidence du Gouverneur-Général, lorsqu'environ 150 individus, que le Consul des États-Unis avaient réunis, ont assailli la jeune fille, arraché son voile et son manteau, et, l'enlevant de force, l'ont emmenée dans la maison d'un Chrétien, ce qui a exaspéré les Musulmans qui assistaient à cette scène de violence.

Bientôt la foule amentée s'est portée en masse à la résidence du Gouverneur pour demander avec insistance que la jeune Musulmane y fut ramenée; et en attendant son arrivée, elle s'est réunie dans une mosquée. Tous les efforts tant de l'autorité que des notables étaient impuissants à dominer la foule, qui ne pouvait être dispersée que par la présence de la jeune fille ou par l'arrivée des troupes. En ce moment, le Gouverneur, informé que les Consuls d'Allemagne et de France avaient pénétré dans la mosquée envahie par la foule, s'y est immédiatement rendu en personne pour en faire sortir les Consuls et calmer les esprits; mais tous ses efforts ont été inutiles. La jeune fille n'arrivant pas, la populace a arraché les barreaux des grilles, et, étant ainsi procurée des armes, s'est ruée sur les Consuls. Bien que le Gouverneur eût essayé par des efforts désespérés de les couvrir de sa personne, il a été impuissant à les protéger, et ils ont succombé

sous les coups des assaillants. Sur ces entrefaites, les troupes accourues des stationnaires Ottomans et de la caserne sont parvenues à disperser l'émeute.

Par un second télégramme, arrivé dans la nuit d'hier à aujourd'hui, le Gouverneur-Général confirme la dispersion de l'émeute, et annonce que par mesure de précaution des sentinelles et des gendarmes ont été placés devant les Consultats et quelques autres habitations, qu'enfin l'ordre est rétabli, et que les poursuites ont commencé par l'arrestation des coupables.

Ce douloureux événement a profondément impressionné la Sublime Porte, qui a résolu de sévir promptement et avec la plus grande rigueur contre les misérables auteurs du forfait. À cet effet, deux Commissaires Impériaux munis de pleins pouvoirs partent pour Salonique. Des délégués des Ambassades d'Allemagne et de France accompagnent ces Commissaires.

Veuillez communiquer ce télégramme à son Excellence le Ministre des Affaires Étrangères.

*No. 12.—Rasehid Pasha to Musurus Pasha.—(Communicated to the Earl of Derby by Musurus Pasha, May 13.)*

(Télégraphique.)

*Constantinople, le 8 Mai, 1876.*

SURTE à mon télégramme d'hier.

Vous devinez la profonde et douloureuse impression que notre auguste Maître a ressentie à la nouvelle de l'incident de Salonique. Aussitôt informée, Sa Majesté m'a ordonné d'en exprimer ses vifs regrets à MM. les Ambassadeurs d'Allemagne et de France ; elle a presque en même temps chargé son premier Aide-de-camp d'une mission analogue auprès MM. de Werther et de Bourgoing ; elle a, en outre, décrété l'envoi immédiat par un bateau spécial de hauts Commissaires munis de pleins-pouvoirs et d'instructions formelles leur prescrivant de faire prompte et éclatante justice, et de punir d'une façon exemplaire les misérables auteurs de ce forfait. Ces Commissaires arriveront demain matin à leur destination. Je n'ai pas besoin de vous dire combien ce douloureux événement, survenu par une coïncidence malheureuse, dans les circonstances actuelles, ce qui ajoute encore à sa gravité, a péniblement affecté le Gouvernement Impérial. Nous le déplorons d'autant plus amèrement que nous nous rendons compte de l'impression qu'il produira en Europe, et de la portée qu'aura cette impression.

Nous savons qu'il fournira matière aux plus injustes accusations de nos détracteurs, et que nos ennemis n'hésiteront pas à prendre texte de l'occasion pour grossir outre mesure les faits, imprimer à l'incident, dont nous sommes loin d'ailleurs de méconnaître toute l'importance, un caractère exceptionnellement grave et tel qu'il ne

saurait le comporter ; lui donner enfin la couleur d'un mouvement préparé et combiné froidement comme une manifestation de la haine entre Musulmans et Chrétiens, et de l'intolérance des premiers envers les derniers.

Certes, nous ne cherchons pas à atténuer des faits aussi regrettables ; mais les quelques détails que nous en connaissons jusqu'à présent suffisent pour établir positivement qu'il n'y avait rien de préparé d'avance ; qu'une malheureuse provocation a servi de point de départ, et que le reste a été amené par un fatal enchaînement de circonstances ; que la foule, exaspérée par le procédé violent dont a été l'objet une femme qui avait l'extérieur d'une Musulmane, n'était pas armée lorsqu'elle s'est rendu au conak et de là dans une mosquée voisine pour attendre la remise de cette femme à l'autorité ; que de même, lorsque les Consuls, entrés dans la mosquée, y ont succombé, aucun coup de feu n'a éclaté ; et que la populace ne s'est servie vis-à-vis de ses victimes que des barreaux des grilles qu'elle a arrachées et de couteaux.

Le Gouverneur-Général ajoute que cette femme, après avoir été entraînée dans une maison Chrétienne, avait été conduite dans celle du Consul d'Allemagne, et que celui-ci a autorisé son départ du Consulat par un billet écrit de la mosquée au milieu de la foule.

Enfin, si cela avait été un mouvement prémédité, et si une foule aussi considérable avait été armée, nous nous demandons quel plus grand malheur nous n'aurions pas eu à déplorer, à quelle calamité nous n'aurions pas assisté !

Ce sont ces points essentiels, ces considérations très-importantes, que je signale à l'attention particulière de votre Excellence, qui saura, avec le tact qui le caractérise, réfuter les erreurs et les exagérations malveillantes avec lesquelles on essaierait d'influencer l'opinion publique.

*Telegrams addressed to and received from Her Majesty's Ambassador at Constantinople and Her Majesty's Minister at Athens, relative to the Massacre of the French and German Consuls at Salonica.*

(No. 1.)—*Consul Blunt to Mr. Stuart.*

*Salonica, May 6, 1876.*

VERY serious disturbances by Mahomedans. Presence of British vessel-of-war necessary at Salonica for protection of our interests.

(No. 2.)—*Consul Blunt to Sir H. Elliot.*

*Salonica, May 6, 1876.*

VERY serious disturbances here by Mahomedans, owing to



abduction by some Greeks of Bulgarian girl who wanted to become Mahomedan.

French and German Consuls were surrounded in a mosque and were killed, I believe, by Mahomedans, who are very irritated and all armed.

Authorities have not sufficient means to act with exemplary severity, and I have telegraphed Her Majesty's Minister at Athens for British vessel-of-war for protection of our interests.

(No. 4.)—*Consul Blunt to Sir H. Elliot.*

*Salonica, May 7, 1876.*

REFERS to previous message, No. 2, and adds:—Both the Consuls killed. The Europeans are much alarmed and struck with horror. The Greeks are arming, fearing general massacre. The Governor-General of Salonica is wanting in energy. The Porte should send here an Imperial Commissioner with full powers. Mr. Abbott, German Consul, was an English subject.

(No. 8.)—*Sir H. Elliot to Consul Blunt.*

*Constantinople, May 7, 1876, 4.30 P.M.*

IMPERIAL Commission, accompanied by delegates of the French and German Embassies, leaves this afternoon, and I have requested that you should be associated with them, Mr. Abbott being a British subject. Concert with them on their arrival if it is considered best that the funerals of the Consuls, which will be celebrated with all honours, should be deferred till the Commission can answer that it will not lead to further disturbances.

(No. 10.)—*Consul Blunt to Sir H. Elliot.*

*Salonica, May 8, 1876, 10 P.M.*

STEAMER with Imperial Commissioners on board just arrived. Town apparently quiet.

(No. 12.)—*Consul Blunt to Sir H. Elliot.*

*Salonica, May 9, 1876, 2 P.M.*

INVESTIGATION commenced. Salonica Pasha suspended; replaced by Esref Pasha.

Chief of Police sent under arrest on board Ottoman frigate. Funerals put off till all necessary measures are completed to prevent their giving rise to disturbances. My suggestion that a representative of local foreign Consular corps should attend inquiry to afford information was supported by Delegates and approved by Commissioners.

I am quite alone. May I employ services of Vice-Consul George Blunt till inquiry is completed? Please answer.

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No. 13.—*Sir H. Elliot to the Earl of Derby.*—(Received May 15.)

MY LORD,

Constantinople, May 7, 1876.

A DEPLORABLE occurrence took place yesterday at Salonica, which resulted in the death of the French and German Consuls, the latter of whom, Mr. Abbott, was a British subject, and, I believe, three other persons.

The account received by the Porte of the origin of the disturbance is that a number of persons, headed by the American Consul (who is a Greek or Bulgarian by nationality), forcibly seized in the street a Bulgarian girl who had embraced Mahomedanism, tore off her veil, and carried her away to a place of concealment. Great excitement was caused among the Mahomedan population by this act, and a large mob called for her restoration to them. During the commotion the two Consuls found their way to a mosque—for what reason is at present unexplained—where they were slaughtered by the populace, who armed themselves with iron bars torn down from the windows.

The Governor states that on hearing of their danger, he proceeded with the Cadi to the mosque, but his efforts to protect them were fruitless. He also sent to the citadel and ships-of-war for soldiers, but they arrived too late.

The Italian Consul reports that on hearing that the Governor and the two Consuls were in the mosque, he went to the commander of the troops to ask him to send men to their assistance, but the measures were not taken in time.

The report of the American Consul appears to confirm the fact of his having taken a leading part in the seizure of the girl, which led to the catastrophe, as it would probably have done in any Turkish town.

Mr. Blunt reports great irritation among the Mussulmans, who are all armed; and he has telegraphed to Her Majesty's Minister at Athens to send a ship-of-war for the protection of British subjects. This request I have repeated, and Mr. Stuart telegraphs that Her Majesty's ship *Bittern* is to proceed immediately to Salonica. At the same time, knowing that Vice-Admiral Drummond is now, or is shortly to arrive, at Beyrout with part of the Mediterranean squadron, I have telegraphed to Mr. Eldridge to inform him of the occurrences at Salonica, and of my opinion that under the circumstances vessels should be stationed at Smyrna and on the coast of Syria, and that some of our ships-of-war should be frequently seen at all parts of the coast.

This afternoon there was a meeting of the Representatives of the Guaranteeing Powers at the Russian Embassy, at which Raschid Pasha was present. He was charged with a message from the Sultan to us all, and especially to the Ambassadors of France and Germany, expressing His Majesty's regret and indignation at the occurrences at Salonica, and his determination that exemplary punishment should be inflicted on the guilty; and his Excellency offered to take any measures which the Representatives might suggest.

The Grand Vizier had already promised the French and German Ambassadors that the funerals of their Consuls should be conducted with every honour, but we thought it advisable that they should be deferred until there is no fear of their causing further disorders.

We proposed the immediate dispatch of an Imperial Commissioner, to whom should be attached delegates of the Governments especially interested. We insisted that sentence must be passed on the guilty and execution of it ordered without delay, and that notification of it shall be published throughout the Empire. We suggested that a circular should be sent to all Governors-General, Governors, and Sub-Governors, holding them responsible for any outrages which may occur in their districts. We intimated that ships-of-war would be sent by the different Governments to Salonica, and that we expected them to be suitably received. Lastly, we called attention to a portion of the Turkish press, which is preaching the duty of a holy war against the Christians.

Raschid Pasha agreed to everything, and promised that all our demands should be fulfilled.

The German Consul having been a British subject, I have named Mr. Consul Blunt to act as delegate with those of France and Germany, who leave with the Turkish Commissioner this afternoon, and I have instructed him to concert with his colleagues on their arrival.

I have, &c.,

*The Earl of Derby.*

HENRY ELLIOT.

*No. 16.—The Turkish Commissioners at Salonica to Musurus Pasha.  
—(Communicated to the Earl of Derby by Musurus Pasha,  
May 15.)*

(Télégraphique.)

*Salonique, le 13 Mai, 1876.*

AUJOURD'HUI, le 13 Mai, 36 hommes, plus ou moins compromis dans les événements de Salonique, ont été arrêtés sans le moindre bruit. La tranquillité y est parfaite. Demain les arrestations continueront.

Les Commissaires Impériaux,

ECHREF.

VAHAN.

*No. 17.—The Turkish Commissioners at Salonica to Musurus Pasha.*  
 —(Communicated to the Earl of Derby by Musurus Pasha,  
 May 15.)

(Télégraphique.) *Salonique, le 15 Mai, 1876.*

DEPUIS notre dernier télégramme 18 arrestations nouvelles.  
 Elles continuent encore. Jugement commencé. Le châtiment sera  
 prompt et terrible.

Les Commissaires Impériaux,

ECHREF PACHA.  
 VAHAN EFFENDI.

*No. 22.—The Turkish Commissioners at Salonica to Musurus Pasha.*  
 —(Communicated to the Earl of Derby by Musurus Pasha,  
 May 16.)

(Télégraphique.) *Salonique, le 16 Mai, 1876.*

AUJOURD'HUI six des principaux coupables ont été jugés et  
 exécutés publiquement; le jugement des autres continue; tran-  
 quillité parfaite.

Les Commissaires Impériaux,

ECHREF.  
 VAHAN.

*No. 27.—Consul Blunt to the Earl of Derby. —(Received May 19.)*  
 (Telegraphic.) *Salonica, May 19, 1876, 11 A.M.*

CONSULS buried this morning with all honours. Everything  
 conducted satisfactorily. Town quiet.

*No. 28.—The Turkish Commissioners at Salonica to Musurus Pasha.*  
 (Télégraphique.) *Salonique, le 19 Mai, 1876.*

AUJOURD'HUI ont eu lieu les funérailles des Consuls avec la  
 plus grande pompe et dans l'ordre le plus parfait, à la satisfaction  
 de tout le monde.

Les Commissaires Impériaux,

ECHREF.  
 VAHAN.

*No. 30.—Sir H. Elliot to the Earl of Derby. —(Received May 19.)*  
 MY LORD, *Constantinople, May 10, 1876.*

THE inclosed despatch from Mr. Consul Blunt contains his first  
 hurried report, and as yet the only one I have received from him of  
 the Salonica tragedy.

It appears that the two Consuls were the only victims, and how

they got to the mosque is not fully explained, although, from the accounts received by some of my colleagues, it would seem probable that they were hustled into it while on their way to the Governor's house, which was close by.

The American Consul was not present, but it was in his carriage and to his house that the girl was conveyed, when taken by the Greeks from the hands of the police, who were conducting her to the Governor's house.

Some accounts state that the girl was herself urging to be delivered from the Mussulmans, but others intimate that she was a willing convert.

All that appears at present clear is, first, that the authorities were culpably negligent in not preventing excesses of which they had received ample warning; and, secondly, that the Greeks, by carrying off a professed Turkish woman, and tearing off her veil, committed an act calculated to call forth the fanaticism of the Turkish population.

I have, &c.,

*The Earl of Derby.*

HENRY ELLIOT.

(*Inclosure.*)—*Consul Blunt to Sir H. Elliot.*

SIR,

*Salonica, May 7, 1876.*

As the French *Fraissinet* steamer is detained a few hours to carry despatches from the French Consulate, I hasten to report to your Excellency what I know of the dreadful tragedy which was enacted yesterday, and about which I telegraphed your Excellency *en clair* yesterday afternoon and in cypher early this morning.

A Bulgarian girl of a village in the district of Salonica having embraced Mahomedanism, had to come here to make before the Grand Council a declaration to that effect, a formality required by the local laws in regard to Mahomedan converts. On her arrival at the railway station on Friday evening, the 5th instant, some Greeks, who it appears expected her, seized her and tore off her *ferijeh* and *yashmak*. The Turks who accompanied her interfered, a scuffle took place, and the police on duty at the station separated the disputants, and succeeded in taking charge of her.

While they were conducting the girl to the *konak*, they were assailed on the road by a crowd of Greeks, who in their turn got possession of her and put her in the carriage of the American Vice-Consul, which was driving by at the time. She was conveyed to the American Consulate, the police running after the carriage as far as the town gate. The above incidents occurred about sunset.

Yesterday, about 11 o'clock A.M., some Mahomedans called on

the Pasha and insisted that the girl should be brought to the konak. The Pasha thereupon sent a message to the American Consulate requiring the immediate presence of the girl at the Grand Council. The American Vice-Consul being absent (he had left Salonica with the Greek Consul on the 1st instant for Vodina), his brother, acting in his stead, declared, I am told, to the bearer of the Pasha's message that the girl had left the Consulate, and that he ignored where she could be found.

The Turks, in the meantime, becoming impatient at the non-appearance of the girl, warned the Pasha that, if he had not the power to deliver her from the Franks, they would attack the American Consulate; and from the konak they proceeded to the mosque in the vicinity, where other Mahomedans, principally Albanians (of whom there are many just new in this town), had assembled. They were all armed, and were making preparations, it is said, to attack the American Consulate. About this time M. Moulin, the French Consul, and Mr. Henry Abbott (a British subject), the German Consul, were seen going together to the Turkish quarter, with what object we do not know yet for certain—some people say that they had been induced by some Greeks to address a representation to the Governor-General about the girl's conversion; others, that they only went to see if it was true that the Mahomedans were irritated and had offensive intentions. Be this as it may, it appears that they went in the vicinity of the mosque, where they were surrounded by the Mahomedans, and were forced to enter the mosque. The mob became furious, and notice was sent to the Pasha, who immediately proceeded to the spot with some of the principal Turks, and entered the room of the mosque in which the two Consuls had taken refuge. The Pasha and some Beya, with a few officers of police, summoned the mob to disperse. They refused. The Consuls promised to have the girl brought to the konak, and wrote to Mr. Alfred Abbott, brother of the German Consul, to do so. No one in the Frank quarter was yet aware of the danger my colleagues were in, and it was only about half-past 3 o'clock I heard the circumstances from Mr. Alfred Abbott, whom I met near Her Majesty's Consulate, and who showed me a note from his brother stating that he, the French Consul, and the Pasha were forcibly detained in a mosque by a large mob, and that, to prevent serious complications, it was necessary to surrender the girl. I strongly urged Mr. A. Abbott to persuade those who had charge of the girl to send her immediately to the konak, where I would go to try and assist my colleagues. He promised to do so, and I started for the konak with my cavass.

On the way several Turks (unarmed) strongly dissuaded me from going, as there was danger.

I spoke to them, and begged them to assist me to save the Consuls. About six of them came forward and offered their services. They accompanied me, and we met M. Kraweski, the French Chancelier, who begged me not to go to the mosque, as the crowd was furious, and would not allow any Europeans to approach, and that he himself had been obliged to turn back, and was going to advise the other Consuls, and proposed I should accompany him.

Still hoping to be of some use to my colleagues, I went on, and on approaching the crowd the French Consular cavass seized me by the arms, and several other Turks surrounded and begged me not to venture further, said that the case was serious, and urged me to try and have the girl delivered up at once.

I ran to the konak, which was close by, and wrote a hurried note to the American Consulate—presuming the girl was there—pointing out the danger my colleagues were in, and insisted upon the girl being given up to the authorities. My cavass took the note to the American Consulate. The girl was not there, but Mr. A. Abbott discovered her in the house of M. Ayerinos, and gave her up to my cavass, by whom she was brought to the konak, but too late to save my colleagues—they were ruthlessly murdered.

The Pasha and the police were wanting in energy, determination, and courage, and as far as I have seen and heard, they appeared cowed by the mob, and by their conduct have lost the confidence of those who looked to them for protection, and the inhabitants are in a state of great alarm and consternation.

I must conclude, as the steamer is going in half-an-hour, and I beg your Excellency to excuse this hurried report, written in haste and under feelings of deep pain and sympathy for my much-lamented friends and colleagues.

I have, &c.,

Sir H. Elliot.

J. E. BLUNT.

P.S.—The Turkish population is still armed, and maintains a menacing attitude. The authorities have telegraphed to Uscup for troops, and one battalion is expected to-night.

J. E. B.

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*No. 39.—Consul Blunt to Sir H. Elliot.*

SIR,

*Salonica, May 14, 1876.*

YESTERDAY I telegraphed your Excellency as follows:—

“The arrest of 35 Mahomedans accused of the murder of the French and German Consuls has been effected without giving rise to disturbances. They have been sent on board an Ottoman vessel of war.”

I need not trouble your Excellency with a description of these arrests.

I shall only state at present that the Commissioners took all possible measures to repress disorder and to make their authority felt and respected, and that, although some uneasiness and excitement prevailed, especially in the Frank and Greek quarters, every thing was managed by the Commissioners in safety, and in an able and firm manner.

For the moment the town is quiet; the presence in port of a strong naval force composed of Ottoman and foreign vessels, daily increasing in number, has reassured the Christian and Jewish inhabitants, and proves a valuable moral support to the Commissioners.

I am also happy to add that Mr. Gillet, Mr. Robert, M. Foscarini, and I acted cordially together throughout yesterday's operations.

Inclosure 1 is a list of the Ottoman and foreign vessels of war in port.

Inclosure 2, copy of Captain Anstruther's instructions prepared in concert with me for the protection of Her Majesty's subjects.

Her Majesty's iron-clad *Swiftsure* and the French station ships are expected this evening.

I have, &c.,

Sir H. Elliot.

J. E. BLUNT.

(Inclosure 1.)—LIST of Turkish and Foreign Ships of War in the Port of Salonica on the 14th May, 1876.

Nation.	Name.	Description.	Guns.	Crew.	Commanders.	When arrived.
Turkish.	<i>Edviné</i> .. ..	Corvette ..	18	160	Osman Bey.	
"	<i>Ijlalieh</i> .. ..	" iron-clad	5	180	Riza Bey.	
"	<i>Selimié</i> .. ..	Frigate ..	52	450	Hassan Bey.	May 8
"	<i>Sahir</i> .. ..	Aviso ..	2	35	Omer Bey ..	
French.	<i>Gladiateur</i> ..	" ..	4	70	De Coudinon	" 9
British.	<i>Bittern</i> .. ..	Gun-boat ..	3	95	Anstruther .	" 9
Greek ..	<i>Salamine</i> ..	Aviso ..	2	60	Chriases ..	" 9
" ..	<i>George I</i> .. ..	Iron-clad ..	4	125	Sakturis ..	" 10
Russian.	<i>Ascolé</i> .. ..	Corvette ..	8	309	Tirtoff ..	" 10
Turkish.	<i>Mukbir I. Sou-</i> <i>rur</i>	Frigate ..	16	319	Ali Riza Bey	" 13
Italian ..	<i>Maria Pia</i> ..	" iron-clad	19	..	Chinca ..	" 13
French.	<i>Chateau Renaud.</i>	Corvette ..	7	210	Grivel ..	" 13
British.	<i>Swiftsure</i> ..	Iron-clad ..	14	500	Ct. Baird ..	" 14
Italian ..	.. ..	Gun-vessel ..	..	..	.. ..	" 14



(*Inclosure 2.*)—*Arrangements made by the Captain of Her Majesty's ship Bittern for the Protection of British Subjects in case of further Disturbances.*

IN the event of any serious outbreak by day or night the following arrangements have been made, and are for the general guidance of any who are desirous of availing themselves of the British boats.

All such are to assemble at the British Consulate, to which, as quickly as possible, will be sent an armed force of seamen to escort and protect them to the boats.

The boats and an armed party of Marines will be sent to the Quarantine landing-place.

*No. 44.—Consul Blunt to the Earl of Derby.—(Received May 30.)*

MY LORD,

*Salonica, May 16, 1876.*

I HAVE the honour to transmit, herewith inclosed, to your Lordship a translated copy of a telegram dated the 8th instant, which has been addressed by the Grand Vizier to the provincial authorities, stating that the recent occurrences at Salonica have overwhelmed the Sultan with sorrow: and enjoining on all those in authority, by command of His Majesty, the duty of exercising the utmost care and vigilance for the protection of the foreign Consuls and subjects.

This telegram has been published in the local Government paper "*Selanik*," issued the 11th instant.

I have, &c.,

*The Earl of Derby.*

J. E. BLUNT.

(*Inclosure.*)—*Telegram communicated by the Grand Vizier to the General Administration at Salonica.*

*April 26, 1876 (May 8, 1876).*

WE have been informed this time of the murder of the French and German Consuls by certain individuals of the Ottoman inhabitants of Salonica, who had gone to the place where these had congregated on account of a proselytized girl. Since these said persons dared to commit this greatest and inhuman crime against officers of two great Powers, and under the very eyes of the Government, which, indeed, has altogether overwhelmed His Majesty with sorrow, the most strenuous measures have been at once taken concerning this affair; and in communicating just now the immediate and severe punishment of the guilty we are led, consequent upon an Imperial Iradé, to commend to you the following observations:—

As the protection of life, of honour, and of property of all inhabitants is one of the very first duties of Government, in like manner also the maintenance of life, of honour, and of property of merchants and other inhabitants of foreign nationalities, and especially of Consuls and other officers like unto them, resident in the Ottoman Empire and protected by Treaties, is considered one of the most important duties of the Government, and the responsibility arising from a little inactivity in the performance of such duties reflects in degree from the lowest officer to the general administration themselves, in so far as the injury arising from inattention in regard to the application of these essential duties and want of confidence in the provinces is laid to the nation and to all the inhabitants, it is just that the officers against whom this inactivity and bad management may be proved be called to the strictest account.

In summing up these things, and keeping in view the occurrence of Salonica, our perfect will is that the utmost care may be exercised in the protection of life and property both of Mussulman and non-Mussulman inhabitants, of officers and of foreign subjects, and in the good maintenance of general quiet and order, as also the communication of these decrees to all the inhabitants and to all officers of the General Administration.

*No. 45.—Consul Blunt to the Earl of Derby.—(Received May 30.)*

MY LORD,

*Salonica, May 17, 1876.*

YESTERDAY I telegraphed as follows to Her Majesty's Ambassador at Constantinople:—

*"May 16, 5.30 P.M.—Six of the murderers of the French and German Consuls have suffered the extreme penalty of the law in presence of the Imperial Commissioner and French and German Delegates and myself."*

I now beg to report the following details on the subject.

The six prisoners convicted of the murder of my two colleagues were hanged in an open plot of ground adjoining the quay wall. The place was kept by a detachment of infantry, two deep, forming three sides of a square, the fourth facing the sea. Outside of these were posted a line of infantry and a troop of cavalry. About 5 o'clock some Jews with picks arrived, and in a short time holes were dug and the scaffolds (brought by boats) fixed up. When these were ready the executioners adjusted the ropes, and in a few minutes the culprits were landed under a strong guard from two of the boats of the Turkish flag-ship, on board of which they had been tried and condemned to death.

After their chains had been taken off, and water given to them to perform their ablutions, they were led pinioned into the square.

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They entered uncovering their arms, and tightening their waist-bands, as if preparing for a struggle.

The Imam of the flag-ship (the Chaplain) then spoke a few words to each, after which they knelt down and prayed.

The first to suffer was an Arab, who, striding up to the nearest scaffold, seized the rope, put it round his neck, and kicked away the stool, on which he had mounted, from under him.

The other five seemed almost as eager to die, each one helping the executioners in their duties.

Death was not instantaneous, the struggles of all being continued for some moments after the rope was drawn up.

Nothing could exceed the courage, the cool indifference with which they all met their fate.

The Governor-General, as Imperial Commissioner, and the French and German Delegates and myself were present during the execution. It was a horrible sight.

Boats from the French and German ships-of-war in port were also present, and witnessed the proceedings from a short distance off the quay. When all was over the troops dispersed, a few remaining to guard the bodies and keep back the mob, composed chiefly of Jews, and among them a few Turks.

All the arrangements were made quietly, and were carried out with the utmost order and despatch, reflecting great credit on the Imperial Commissioners and the military authorities.

The Imperial Commissioners, the Delegates, the Foreign, Naval, and Consular Authorities were engaged the greater part of this day in making arrangements about the funerals of the two Consuls, which will be celebrated to-morrow, it is hoped. There is a disposition among some of my colleagues to make a demonstration by landing a large force of armed detachments from the several foreign vessels-of-war; but I and most of my colleagues, the Italian Consul in particular, have objected to anything of the sort, and we suggested that the naval commanding officers should arrange with the Ottoman authorities what military honours must be rendered to the funerals. I believe that the Ottoman authorities have no objection to the landing of guards of honour from the foreign men-of-war in port, but that they would object to the crews landing in force with their arms, as such a step would be considered by the Mahomedans as a hostile demonstration against them, and might very likely lead to further disturbances.

I have, &c.,

*The Earl of Derby.*

J. E. BLUNT.

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*No. 46.—Consul Blunt to Sir H. Elliot.*

SIR,

*Salonica, May 20, 1876.*

WITH reference to my telegrams of yesterday's date, relative to

the funerals of the French and German Consuls, I beg leave to report the following particulars on the subject:—

Shortly before 6 o'clock yesterday morning the guards of honour, composed of 15 sailors from each of the French, German, Russian, Austrian, Italian, and Greek ships-of-war, and of 15 marines from Her Majesty's ship *Swiftsure*, landed on the Salonica quay, and were soon followed by the Russian and French Admirals, and commanding officers of the several foreign ships-of-war in port. The Governor-General, with the Imperial Commissioner, Vahan Effendi, the Consular Corps, and the French and German Delegates also arrived, when all proceeded in a body to the Roman Catholic Church, followed by a large concourse of the friends of the deceased.

I inclose a copy of the programme of the funerals which was prepared by the French Admiral in concert with the two Delegates and the Imperial Commissioners; while the guards of honour took up a position on each side of the street opposite to the Roman Catholic Church in which the remains of the French Consul were lying, the French and German sailors formed a guard of honour in the church during the service, the entrance being lined by the English marines and the Russian sailors. The church, which was decorated, was crowded during the service, at the conclusion of which the procession was formed in the following manner:—

A guard of Turkish soldiers, the Governor-General Echref Pasha, the Imperial Commissioner Vahan Effendi, Ottoman Vice-Admiral Mehmet Pasha, and Major-General Ibrahim Pasha.

The acolyth carrying the Cross.

The Roman Catholic clergy.

The Greek Metropolitan with the Archdeacon here joined the procession.

The coffin, on which was placed the deceased Consul's uniform, hat, and sword, and decorations, borne by French sailors, and escorted on either side by French and German sailors.

Members of the Consul's family. The French Admiral came next with the captain of the German corvette; the French and German Delegates; the foreign Consular Corps at Salonica; the Russian Admiral with the commanding officers of the foreign ships-of-war, and a guard of honour of 15 seamen. The Consular cavasses; the foreign residents; a guard of Turkish soldiers.

The route taken by the procession was past the Imperial Ottoman Bank, along the main thoroughfare and down by the new street to the quay. On reaching the landing-place the body was met by the French Naval Chaplains and a guard of honour, and was put on board the steam-launch of the French flag-ship.

As the body left the shore salutes were fired by the ships. The proceedings occupied about two hours.

The procession next proceeded to the Greek Church of St. Nicola, to which place the remains of the late German Consul, Mr. Abbott, had been brought from his residence.

The coffin was placed in the centre of the Church, the German and French sailors forming a guard of honour in the nave, the English marines and Russian guards of honour being drawn up in two lines at the entrance.

The burial service was performed by the Greek Archbishop, assisted by all the clergy of the town parishes, and lasted about half-an-hour; after which the procession was re-formed and proceeded along the main street through the centre of the Greek quarter to the cathedral, in the cemetery of which the burial took place.

The coffin was lowered into the grave in the presence of a large assemblage, the troops presenting arms and the ships firing salutes. The ceremony over, the Imperial Commissioner and Governor-General, with the foreign Consular Corps, accompanied the Admirals and naval officers to the quay, where the procession broke up.

Every mark of respect was shown to both funerals by the Ottoman authorities, and much sympathy and compassionate interest felt by all who witnessed the ceremonies. The shops and places of business were closed, and the day was observed as one of general mourning.

During the ceremonies, which lasted more than four hours, there was no attempt whatever at disturbance. Everything passed off quietly, and all the arrangements were carried out without the slightest hitch.

All the streets abutting the main thoroughfare were closed by Turkish troops, and no one allowed to pass.

Every one admired the energy and good-will with which the Governor-General and Imperial Commissioner exerted themselves to keep order throughout the town and to render every possible honour to the funerals.

*Sir H. Elliot.*

I have, &c.,

J. E. BLUNT.

*Inclosure.—Funérailles du Consul de France.*

Avant-garde des soldats Turcs.

Le Valy.

Le Commissaire Ottoman, Vahan  
Effendi.

L'Amiral Turc.

Le Clergé.

1 Lieutenant,  
Allemand.Doyen du  
Corps Consulaire.Gérant du Con-  
sulat de France.\*1 Enseigne  
de vaisseau.

24 matelots Allemands.

Officier Allemand.

Le Corps.

Officier Français.

24 matelots Français.

La famille.

Le Commandeur Allemand. L'Amiral Français.

Le Commissaire Allemand. Le Commissaire Français.

Le Corps Consulaire.

L'Amiral Russe.

1 Sous-officier  
Allemand.Les Commandants des bâtiments de guerre  
présent sur rade.1 Sous-officier  
Français.Les Commandants et les État-Majors des bâtiments  
Français et Allemand.Les États-Majors des bâtiments de guerre présent  
sur rade.

Les 16 matelots Allemands.

Les Cavaux Consulaires.

Les notables Européens invités.

Arrière-garde des soldats Turcs.

Gardes d'honneur  
composées de 15 marins  
de chaque bâtiment  
de guerre en rade.Gardes d'honneur  
composées de 15 marins  
de chaque bâtiment  
de guerre en rade.

\* Aux funérailles de Mr. Abbott, Consul d'Allemagne, ce poste était réservé à M. le Consul d'Angleterre, Mr. Abbott étant sujet Anglais.

*No. 49.—Sir H. Elliot to the Earl of Derby.—(Received June 2.)*  
(Extract.) *Therapia, May 24, 1876.*

I HAVE the honour to inclose herewith the letter which I have received from Mr. Consul Blunt, giving further details of the occurrences at Salonica.

*The Earl of Derby.*

HENRY ELLIOT.

(*Inclosure 1.*)—*Consul Blunt to Sir H. Elliot.*

(Extract.) *Salonica, May 14, 1876.*

THE general alarm is subsiding, and I do hope that everything will go off as yesterday's operations, which were conducted with

firmness and determination. Vahan Effendi, M. Gillet, M. Robert, M. Foscarini, and I, had possession of the konak; and Echref Pasha directed the military movements in person, being on horseback the whole of the afternoon. The members of the Medjlis were kept under supervision in the konak, and the whole business was managed admirably, and so far to the satisfaction of the two delegates.

With reference to the United States' Vice-Consul, M. Pericles Lazzaro, I beg to assure your Excellency that I do not at all believe that he had any, the least part, in the abduction of the girl. He was not here when the girl arrived at Salonica by the train on the 5th, and returned from an excursion to Vodina on the evening of the 6th instant, having been absent from Salonica about a week with M. Vatikioti, the Greek Consul-General, and M. Mavrocordato, a member of the Greek Parliament. If his carriage went to the railway station on the evening of the 5th, it does not appear that it was for the prearranged (as it is supposed) purpose of assisting in the abduction of the girl, but to meet M. Lazzaro and party, who were also expected that evening; the Greeks stopped the carriage, and forced the coachman to take up the girl and conduct her to the Consulate. Nor was the Consul's brother, M. Nicola Lazzaro, a Russian subject, at home when the girl was brought to the house, which was about half-an-hour after sunset; she remained the night in the house, and was sent the next morning to whose house we do not yet know for certain. So far the Consul's brother was not to blame; and had he not refused to reveal where the girl had gone or been sent, the disturbance might not have taken place,—at least there would have been no bloodshed: but, as I said before, I sincerely believe that my United States' colleague is not responsible, and I should deem it a great favour if your Excellency would kindly submit my testimony to his Excellency the United States' Minister.

The girl, as far as I hear, is a worthless creature. I was at the konak when my cavass brought her (it was about half-an-hour after the murders), and I saw her. She appeared to me about 18 years of age, if not more. I should add, that if my cavass had not succeeded in making the infuriated crowd believe in the identity of the girl, the American Consulate would have been attacked, and more lives would have been sacrificed. The cavass acted bravely and faithfully, and I shall, on a later occasion, solicit your Excellency's favourable consideration of his conduct, and of that of the French cavass Yashas, who stood by me, and with some 10 or 12 Mahomedans surrounded me and escorted me to the konak. I claim your Excellency's indulgence for the form of this letter.

I forgot to mention that my cavass Hussein, while making his way through the crowd, was fired at.

*Sir H. Elliot.*

**J. E. BLUNT.**

(*Enclosure 2.*)—*Sir H. Elliot to Consul Blunt.*

(Extract.) *Constantinople, May 19, 1876.*

I HAVE had much satisfaction in receiving your telegrams, stating that the funerals of the Consuls, and the execution of six of their murderers, had taken place without disturbance of the public tranquillity, and it affords me particular pleasure to convey to you my appreciation of the courage and judgment you have exhibited under circumstances of great difficulty, and my congratulations on your escape from the dangers to which you exposed yourself.

I shall hope to receive from you all the details of the facts which may have been elicited by the inquiry into the lamentable occurrence, and I have especially to request you to report any grounds that exist for supposing the outbreak that occurred to have been the result of any preconcerted attack by the Mussulmans upon the Christians.

*J. E. Blunt, Esq.*

H. ELLIOT.

*No. 50.—Consul Blunt to Sir H. Elliot.*

SIR,

*Salonica, May 21, 1876.*

As much discontent is generally felt and expressed by the public in consequence of the ex-Governor-General and some members of the Local Administration, whose conduct during the recent occurrences has given rise to grave suspicions against them, not having been examined and dealt with at the same time as the six culprits who were tried and executed on the 16th instant, I addressed a Memorandum on the subject to the Imperial Commissioners, as per copy herewith inclosed.

In reading this Memorandum to the Commissioners, I told them that I thought it was very important that the ex-Governor-General and those in authority under him should be examined as soon as possible, and their evidence subjected to the most searching scrutiny, and I also added that in the interest of the Ottoman Government, and of the suspected parties, it was equally necessary and important that this matter should receive the immediate attention of the Commission.

Their Excellencies assured me that it was their firm determination to make a complete and impartial investigation without regard to the position or rank of the suspected parties, and to visit them with severe punishment if found guilty of having instigated the recent occurrences.

On the 18th instant, the day after I delivered my Memorandum, a notification was published in the "Official Gazette of Salonica," in Greek and in Turkish, informing the public of the conviction and



execution of six of the assassins, and declaring that the Commission will also punish those who have provoked the sad event.

I inclose the "Gazette," with an English translation of the notification.

Sir H. Elliot.

I have, &c.,

J. E. BLUNT.

(Inclosure 1.)—*Memorandum.*

À LA COMMISSION IMPÉRIALE D'ENQUÊTE.

LA Commission hier a pu à un certain degré satisfaire à l'impétience fiévreuse du public par le jugement et exécution d'une partie des personnes qui ont été prouvées d'être les acteurs directs de l'affreux crime commis sur les personnes du Consul de France et du Consul d'Allemagne. Cependant l'opinion publique, bien rassurée d'avance sur ce point, le considère aujourd'hui comme secondaire vis-à-vis du point important qui se rapporte aux instigateurs de l'armement de la population Mahométane, et de l'odieux crime, qui ne peuvent qu'appartenir à une classe plus élevée de celle dont la Commission Impériale s'en est occupée jusqu'ici.

Quelques personnages sont accusés par l'opinion publique d'avoir excité et instigué la populace. Ils ne se trouvent encore que sous la surveillance de la Commission.

Dans mon humble opinion il sera juste de procéder un moment plus tôt à leur jugement et, s'ils seront reconnus coupables, à leur punition.

A bord du vaisseau Amiral Ottoman *Selimish*, le 17 Mai, 1876.

(Inclosure 2.)—*Notification published in the "Official Gazette" of Salonica, on the 18th May, 1876.*

UNDER the all-powerful care of our Sultan, and in consequence of the severe measures taken by the Imperial Government for the known sad event, all those supposed to have been the culprits were seized and put under arrest, without causing the least disturbances in the place.

After a searching investigation, supported by authentic witnesses, six persons among the arrested were shown as the real culprits of the crime, and, according to the law of the Empire, were condemned to death and executed on Tuesday.

The Imperial Government, following the same line of justice, will, without further delay and according to the guilt of each culprit, continue to punish all those that have provoked this sad event, as it has not hesitated to punish in an exemplary manner the first authors of this crime.

The feelings of justice which our peaceful Sultan has shown and which have impressed all, rightly deserve the blessings of his faithful

subjects. The people, thankful to the Sultan for his sincere and impartial administration of justice towards all, and for the peace and quiet of the place which they enjoy, will consider it as their duty to raise daily beseeching prayers to the Almighty for the long life and prosperity of His Imperial Majesty.

*No. 51.—Consul Blunt to the Earl of Derby.—(Received June 6.)*

MY LORD,

*Salonica, May 22, 1876.*

I beg leave to submit inclosed herewith to your Lordship, a copy of a letter from the Greek Metropolitan of Salonica to the French and German Consulates, relative to the recent occurrences at this place.

I have, &c.,

*The Earl of Derby.*

J. E. BLUNT.

*(Inclosure.)—The Greek Metropolitan of Salonica to M. Krajonsky.*

M. LE CONSUL,

*Salonique, le 25 Mai, 1876.*

DEPUIS le jour où un double crime des plus tragiques et des plus horribles a été perpétré et a plongé tous les habitants de cette ville, sous les yeux desquels ces atrocités ont été commises, dans une profonde douleur, il me parviennent, à ma très-grande affliction, tous les jours de bruits : que la noble Colonie Européenne impute les causes de cet affreux drame, en grande partie, à la communauté Grecque.

Je suis à même, M. le Consul, de vous assurer, en m'appuyant sur les preuves les plus concluantes, que quant à la misérable fille qui a été la cause de tous les épisodes tragiques, personne ici n'avait la moindre connaissance de son arrivée ; seulement, les lamentations de sa mère, au moment de l'arrivée du train, ont excité la compassion de quelques personnes qui se trouvaient par hasard à la station. Quant au reste, personne ne se serait jamais imaginé, et il était impossible pour qui que ce fût de concevoir l'idée, qu'une misérable fille pût jamais fournir un prétexte de pousser les choses jusqu'au point où elles sont arrivées—à compromettre toute une ville populeuse, à paralyser toutes les transactions, à mettre en danger la vie et l'avoir de ses habitants.

Je puis vous assurer, M. le Consul, que le double crime commis, unique exemple d'atrocité—car il n'en existe pas de pareil dans les annales, soit quant à sa conception, soit quant à son exécution barbare—toute la communauté Chrétienne a été si profondément émue que des siècles ne pourront effacer le souvenir des deux martyrs, distingués d'abord par leurs vertus et par la position élevée et honorable qu'ils occupaient en leur qualité de Représentants de deux grandes et glorieuses Puissances auxquelles nous sommes redevables

et auxquelles nous sommes attaché par les liens d'une profonde reconnaissance.

Voilà les motifs qui me convient à vous prier, M. le Consul, pour le cas que, soit une malveillance, assurément non-fondée, soit l'ignorance des faits, se plairaient à répandre des bruits contraires à ce qui existe, de vouloir bien porter à la connaissance de tous que la communauté Grecque-Chrétienne n'éprouve et n'a jamais éprouvé d'autres sentiments que ceux d'une sympathie vraie et d'une douleur profonde.

Agréé, &c.,

JOACHIM, *Métropolitain de Salonique.*

*No. 52.—Consul Blunt to the Earl of Derby.—(Received June 5.)*

MY LORD,

*Salonica, May 28, 1876.*

I HAVE the honour to inclose herewith, for the information of your Lordship, copies of a despatch and its three inclosures which I addressed to Her Majesty's Ambassador at Constantinople, furnishing some particulars in regard to the age, previous relations, wishes, and the seizure by the Greeks of the Bulgarian girl who was the immediate cause of the recent disturbances at this place.

I have, &c.,

*The Earl of Derby.*

J. E. BLUNT.

*(Inclosure 1.)—Consul Blunt to Sir H. Elliot.*

SIR,

*Salonica, May 22, 1876.*

I HAVE the honour to inclose translated copies of two letters from a reliable quarter furnishing some information about the Bulgarian girl who was the origin of the recent occurrences at this place.

I also inclose a copy of an account of how the seizure of the girl was effected by the Greeks. It has been furnished to me by an English gentleman who was an eye-witness of the occurrence, and who will give his name if necessary.

As to the age of the girl she seemed to me—when I saw her at the konak about 20 minutes after the murder—to be between 17 and 18 years old.

If I can procure further particulars I shall not fail to forward them to your Excellency.

I have, &c.,

*Sir H. Elliot.*

J. E. BLUNT.

*(Inclosure 2.)—Extract of a Letter relative to the Conversion to Mahomedanism of the Bulgarian girl who was the cause of recent occurrences at Salonica.*

*(Traduction.)*

*Le 14 Mai, 1876, le soir.*

CETTE fille dévergondée est originaire du village de Bogdantza,

du Kaza Avrothissar. La mère de la jeune fille, qui est venue depuis huit à dix ans, est citée par le prêtre du village d'être d'une mauvaise conduite.

Le nom de son mari était Dellio Kiota. Quant à ceux de la mère et de la jeune fille je m'informerai ce soir.

Le jeune homme avec lequel elle avait des relations était le gardien de Mehmet Agha.

Cette jeune fille, âgée de 15-16 ans, en arrivant à Salonique, était accompagnée du Hodja du village et d'une négresse. On dit même qu'avant d'être enlevée de la fontaine elle avait secrètement transférée ses vêtements dans la maison du Musulman. Mercredi soir l'ayant prise ils allèrent à Maya-Dag, où ils passèrent la nuit.

Le lendemain ils se rendirent à Kara-souli, où ils restèrent dans la maison de Kara-Ibrahim, et Vendredi ils partirent pour Salonique.

C'est tout ce que je connais, mais je m'informerai de deux côtés différents pour avoir des détails et des plus amples renseignements sur ce sujet.

*(Inclosure 3.)—Extract of a Letter furnishing further particulars relative to a Bulgarian girl who embraced Mahomedanism.*

*(Traduction.) Le 1<sup>er</sup> Mai, 1876, à 8 heures de la nuit.*

On connaissait il y a six mois dans le village de Bogdanitza que Stefanini, fille du défunt Dellio Kiota, et de Marie, âgée de 15 à 16 ans, avait des relations avec le fils du garde champêtre Omer Zintsoglou, Mustapha.

Plusieurs voisins de cette malhonnête femme lui avaient fait observer la conduite de sa fille ; quelques Musulmans aussi en firent autant. La jeune fille ayant pris depuis quelques jours ses vêtements et quelques-unes de sa mère les envoya chez son amant.

Le Mercredi vers 10 heures de l'après-midi, sous prétexte qu'elle irait à la fontaine, elle se fit enlever par quelques Ottomans, qui la transportèrent à la maison d'Omer Zintsoglou, père de Mustafa. Mais à cette heure ni l'un ni l'autre ne se trouvaient là, c'est pourquoi l'épouse du premier n'accepta pas la fille et lui dit : " Qu'elle se fasse Musulmane d'abord et de venir après chez moi." On conduisit alors la fille à la maison d'Ahmet Soubashi, Muktar, frère d'Omer Zintsoglou. Le Jeudi on l'amena à Gevgheli dans la maison de leur gendre Ahmet Agha, et le Vendredi, afin qu'elle ne fût pas reconnu, on la fit prendre de Karasouli le chemin de fer, où elle fut rencontré par sa mère. Elle était accompagnée par le Hodja du village, d'une négresse, et de Mehmet Agha de Gevgheli.

Ces renseignements je les ai recueillis d'un homme bien digne de foi.

(Inclosure 4.)—*Extract of a Letter relative to the Seizure by the Greeks of the Bulgarian girl who embraced Mahomedanism.*

THIS is, as nearly as possible, what took place at the railway station:—

A few minutes after the arrival of the train on Friday, the 5th instant, and as the travellers were getting out of the station, I remarked a great crowd. I approached it with the object of finding out what was the matter. On getting near the station I saw a scuffle between some Greeks, I believe Bulgarians, and some zaptiehs. Just as I came up, the crowd began to disperse, and was following four zaptiehs, two of them holding a girl, who appeared to me to be pleased to go with them. She was unveiled and had her hair falling behind.

Foremost amongst those who had been fighting outside the station was a young man Abbott, who, as I found out, came down in the same train, but not on duty. Next to him was another Greek, also in the employ of the railway, named Dessilé (Kéhaya). When the zaptiehs were in the act of walking towards the town with the girl, these two Greeks walked in such a manner as to impede their way, and prevent the zaptiehs going any further. However, the latter seemed to hold fast, and were, although surrounded, marching in the direction of the town. They had not gone 500 yards, when the Greeks (whose number was increasing every minute) stopped the zaptiehs, and here a second, and, from all accounts, as every fight took place. I hurried to the spot, taking with me the only zaptiehs left at the station. I ordered him to run and assist his comrades. We both came too late; the girl had been violently snatched from the hands of the zaptiehs, and placed in the carriage of the American Consul. This carriage was at the station; it passed me when I was running to the scene; the horses were galloping. There was a woman (rather common) in the carriage. As soon as they put the girl in the carriage, the coachman whipped his horses, and drove off as fast as possible towards the town, the zaptiehs following and shouting out to stop him.

I remarked Messrs. Gsiller, Eichler, and Rochette on horseback. It struck me that Mr. Rochette got into the middle of the crowd, trying, I suppose, to separate the combatants.

*No. 54.—Consul Blunt to the Earl of Derby.—(Received June 9.)*

MY LORD,

*Salonica, May 30, 1876.*

I HAVE the honour to inclose herewith a copy of a despatch which I have this day addressed to Her Majesty's Ambassador at Constantinople, reporting further information respecting the age of

the Bulgarian girl who was the primary cause of the recent occurrences at this place.

I have, &c.,

*The Earl of Derby.*

J. E. BLUNT.

(*Inclosure.*)—*Consul Blunt to Sir H. Elliot.*

SIR,

*Salonica, May 30, 1876.*

YESTERDAY the Bulgarian girl was examined by the Commissioners in the presence of the Delegates.

One fact has been established in the opinion of all who attended the inquiry, that is, that she must be 16, if not 17, years old. The Imperial Commissioner, Vahan Effendi, gives her 19, while she herself states her age at 15.

She also repeatedly declared that no one forced her to embrace Mahomedanism; that during the time she was concealed by the Greeks, efforts were made to dissuade her from renouncing the Christian religion, and that she was determined to follow the Mahomedan faith.

I have, &c.,

*Sir H. Elliot.*

J. E. BLUNT.

*No. 55.—The Earl of Derby to Lord Odo Russell.*

MY LORD,

*Foreign Office, June 10, 1876.*

THE German Ambassador has informed me that his Government have received reports from the German Ambassador at Constantinople which give reason to believe that the Porte is not showing a disposition to punish the real authors of the murder of the Consuls at Salonica; that the persons executed and imprisoned have been of a low class, and that the authorities are conniving at the escape of those persons of higher rank who were the instigators of the outrage, and are pursuing, in fact, the same course as the German Government believe to have been adopted after the massacre of the Christians at Damascus in 1860.

Under these circumstances the German Ambassador was instructed to ask Her Majesty's Government to direct Sir H. Elliot to assist his colleagues in endeavouring to bring to justice the real culprits.

I acquainted his Excellency with the substance of a telegram received from Sir H. Elliot, and stated that it appeared from the information received from Her Majesty's Embassy at Constantinople that Sir H. Elliot had already assured his German and French colleagues that he would support them to the utmost in insisting on the punishment of any participator in the murders, whatever his position might be, although he could not, of course, demand that an example should be made of any one whose guilt was not established.

I added that Her Majesty's Government would, however, let

Sir H. Elliot know that the German Government had called attention to the matter, and instructed him to continue to act with his German and French colleagues in bringing to justice any persons who can be proved to have taken part in the murders or actually instigated them.

Lord Odo Russell.

I am, &c.,

DERBY.

*No. 56.—Consul Blunt to the Earl of Derby.—(Received June 11.)*

MY LORD,

*Salonica, May 31, 1876.*

YESTERDAY I despatched to your Lordship a telegram thus worded:—

*"May 30, 11 A.M.*

"Deposition of Sultan Aziz and accession of Sultan Murad have been publicly proclaimed by the Ottoman authorities here. The inhabitants in general, the Mahomedans in particular, have received the news with great enthusiasm.

"The public joy is indescribable, and continues to manifest itself in all freedom from restraint; the streets last night were densely crowded with people, high and low, watching the illuminations and fireworks."

The public criers proclaimed the new Sovereign in every quarter of the town, charging the inhabitants to pay allegiance to him. The town fortress fired salutes, and the Ottoman and foreign ships-of-war in port were dressed, and fired royal salutes; the garrison troops were paraded, and cheered and acclaimed Sultan Murad, and deputations from the different communities waited on the Governor-General, and the Greek Metropolitan, who is much respected, and deservedly so, by the Mahomedans of this town, was among the foremost to offer his congratulations to the authorities, and to profess his loyalty and allegiance for the new Sultan, and it was remarked that he and the Defterdar, one of the chief members of the local administration, embraced each other and shed tears of joy.

The Mufti, the chief spiritual authority of the Mahomedan community, and an aged man, wept like a child.

I was at the konak\* when the official news arrived, and witnessed the effect it produced on the members of the Administration; an intense feeling of satisfaction mingled with joy and pride was expressed by every one, from the Governor-General to the Kiazib; many of them surrounded me and remarked, "We are proud, Sir, that this revolution is being accomplished quietly and without bloodshed," and the words "Parlamento" and "Constituzione" were in every one's mouth, and all were anxious to have full details of the event, and the names of the leading men in the movement.

\* Governor's house.

The "Selanik," local Government Gazette, published bulletins in letters of gold, as also the other papers, of which I inclose two copies.

About noon the foreign Consuls received an official communication from the Governor-General, announcing the deposition of Sultan Aziz and Prince Murad's accession, and that the town and public buildings would be illuminated in honour of the event.

I inclose a translated copy of the Governor's letter to me on the subject.

The Ottoman Vice-Admiral called on the Admirals and Commanding Officers of the foreign ships-of-war and notified the event. Later in the day the foreign Consuls, in answer to a special invitation from the Pasha, waited on his Excellency in full dress and offered their congratulations. (I was accompanied by Captain Baird, of Her Majesty's iron-clad *Swiftsure*.) We were received in state, a battalion of troops presenting arms and military bands playing national airs. Shortly after the French and Russian Admirals and foreign naval Commanding Officers also paid official visits to the Ottoman Admiral.

All the public buildings, the foreign Consulates, and the Ottoman and foreign ships-of-war were illuminated last night. The bazaars, the houses, the windows of the poorest, were lighted. After the Imperial Ottoman Bank, which was artistically illuminated, the British and Italian Consulates made the best display.

I should also report to your Lordship that the manifestations of public joy have not been interrupted or disfigured by any act of disorder or ill-feeling. The quay, the principal streets, the bazaars, and the coffee-houses were crowded with Turks, Greeks, Jews, Levantines, and Europeans, all mingled together, men, women, and children, as if their national and religious feelings had not been wounded and irritated by the recent horrid occurrences; antipathy of race to race appeared to have been forgotten and forgiven.

I should also add that many leading Turks have expressed to me in very feeling terms the hope that the English Government and nation will fully appreciate the quiet and deliberate manner in which Sultan Aziz has been deposed and Prince Murad proclaimed in his stead, and will stand by their new Sovereign, and assist and protect him from the external dangers which may menace his Empire.

I trust, my Lord, your Lordship will pardon the hurried form and imperfections of this report, which I have been trying to prepare in time to go by to-day's mail, *via* Athens.

I have, &c.,

*The Earl of Derby.*

J. E. BLUNT.



P.S.—I regret I have no time to prepare translations of the Turkish and Greek bulletins.

J. E. B.

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(Inclosure 1.)—*Telegram from the Grand Viziriat, dated May 1<sup>st</sup>, 1876.*

(Translation.)

**Great and Cheerful Proclamation.**

“By the will of God and by general consent, the Sultan Abdul-Aziz Han having been deposed, the accession of His Majesty the Sultan Murad V, the legal heir to the Kingdom and to the illustrious Throne of the Osmanlis, has been proclaimed to-day. May the Almighty strengthen His Imperial Majesty for the common prosperity of all!

“The present to be immediately made public.”

The above Imperial change being one of the greatest favours of Divine Providence to all the inhabitants of the Ottoman Empire, and altogether in accordance with the general feeling (of the people), reached here as a messenger of new life and safety for all the State; and, in proclaiming the same to the public, we cordially congratulate His Majesty and express our eternal thanks.

May the Almighty conduct always to good end all the actions of His Imperial Majesty the Sultan Murad V, the newly-elected Emperor of all the inhabitants of the State!

His Excellency our Governor-General, as soon as he received the above cheerful news, proclaimed it personally and in the most official manner to the regiment of troops now quartered in the Government Palace, and the proclamation was unanimously accepted in perfect order by the troops, who presented arms as a mark of respect, and acclaimed with cheers the new Monarch.

The great news was also immediately communicated to the public by special criers, and also to all the subordinate authorities of the province, to all the Consulates, and to the Commanders of the national and foreign men-of-war in the port, which all, together with the fortress, several times fired salutes in honour of the event.

As a consequence of this great event, immense joy has been observed among all the inhabitants, and public illuminations will take place for three days and nights, as appears from the preparations which are being made in the town. May the Kingdom of His Imperial Majesty the newly-elected Emperor, Sultan Murad V, the friend of the people, be invincible, and strengthened by the Almighty for the common good and glory of all the State, and of all the subjects entrusted to the Imperial sceptre by the Divine Providence, to whatever nationality they may belong. Amen.

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(Inclosure 2.)—*The Governor-General of Salonica to Consul Blunt.*

(Translation.)

*Le 30 Mai, 1876.*

PAR le télégramme Viziriel en date d'aujourd'hui il m'est communiqué que Sultan Abdul-Aziz vient d'être détrôné par la volonté nationale, et que l'héritier présomptif, le Prince Mourad, a été proclamé Sultan.

La nouvelle de cet heureux événement a été accueillie par toutes les populations de l'Empire, tant Musulmanes que Chrétiennes, avec une joie indescriptible.

Vu l'heureux accord et la solide amitié existant entre l'Angleterre et la Turquie je vous invite, M. le Consul, vous ainsi que votre colonie, à vous associer à la réjouissance publique causée par cet heureux événement.

Veuillez croire, M. le Consul, que mes efforts tendront à maintenir les rapports amicaux existant entre le Consulat Britannique et les autorités locales.

*J. E. Blunt, Esq.*

(L.S.) ESHREF.

*No. 57.—Sir H. Elliot to the Earl of Derby.—(Received June 12.)*

MY LORD,

*Therapia, June 8, 1876.*

I RECEIVED last night the inclosed telegraphic message from Raschid Pasha, saying that the Porte proposed to send to Salonica some officers to constitute a court-martial to try, along with the two Imperial Commissioners, and in the presence of the Delegates of the British, French, and German Embassies, the late Governor of Salonica, who is a military man, and two Colonels, whose conduct is impugned.

I called this morning on Count Bourgoing, and found that he agreed in considering that no possible objection could be made to the proposal, but I received afterwards the inclosed telegram from Mr. Blunt, stating that the other Delegates had protested against the arrangement.

I inclose the copy of my reply. I have, &c.,

*The Earl of Derby.*

HENRY ELLIOT.

(Inclosure 1.)—*Raschid Pasha to Sir H. Elliot.*

(Télégraphique.)

*Le 2 Juin, 1876.*

J'AI l'honneur d'informer votre Excellence que la Sublime Porte, désireuse de donner entière satisfaction à la justice en évitant en même temps toute illégalité dans le jugement des trois officiers supérieurs prévenus d'avoir manqué à leurs devoirs lors de l'incident de Salonique, vient en conformité des dispositions du Code Militaire de désigner un Conseil de Guerre qui devra se joindre aux deux Commissaires Impériaux pour juger, en présence des délégués des

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trois Ambassades, l'ex-Gouverneur en sa qualité de militaire, le Colonel des Redifs et celui de la Gendarmerie; les Membres du Conseil de Guerre devant partir ce soir ou demain matin par un bateau de l'État pour Salonique. Je prie votre Excellence de vouloir bien télégraphier à qui de droit des instructions en conséquence. Les Commissaires Impériaux ont reçu déjà des ordres télégraphiques dans le même sens.

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(Inclosure 2.)—*Consul Blunt to Sir H. Elliot.*

(Telegraphic.)

*Salonica, June 8, 1876.*

POWERS informed Imperial Commission that military officers will be despatched forthwith to Salonica to form a court-martial on military authorities. Delegates protest; I declined, but would refer to your Excellency.

Captain of *Swiftsure* informed by German captain that squadron is expected here, calling at Malta for coals. Is Admiral in Constantinople?

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(Inclosure 3.)—*Sir H. Elliot to Consul Blunt.*

(Telegraphic.)

*Thessalonica, June 8, 1876.*

THE French Ambassador and myself agree in considering that there is no ground for objecting to the military authorities being tried by a court-martial, as proposed by the Porte, but I do not know the opinion of the German Ambassador.

The Delegates will be present at the court-martial according to previous instructions.

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*No. 59.—The Earl of Derby to Lord Odo Russell.*

(Extract.)

*Foreign Office, June 14, 1876.*

COUNT MÜNSTER spoke to me, in an interview which I had with him on the 12th instant, on the subject of the insufficiency of the sentences which were reported to have been passed upon the Turkish officials implicated in the Salonica massacre. He stated that it appeared from despatches dated the 8th instant, received from the German and French Delegates, that the Colonel and Chief of the Police had been condemned to degradation and to imprisonment for one year, while the officer in command of the garrison, and the commander of the corvette stationed in the port, had only been sentenced to imprisonment for 45 days. The ex-Governor, of whose culpability his Excellency considered there could be no doubt, was to all appearances to escape unpunished; and, though the Delegates had used their utmost endeavours to procure severe sentences calculated to satisfy the requirements of justice, they had completely failed.

Count Münster said that the German Government was much dissatisfied with these reports, and could not be content to accept this insufficient reparation.

I assured his Excellency in reply that I would communicate to Her Majesty's Embassy at Constantinople by telegraph the substance of the information which he had given me. I reminded him that I had promised Baron Von der Brincken that Sir Henry Elliot should be instructed to continue to support the efforts of his German and French colleagues to bring to justice any persons who might be proved to have taken part in the murders, or to have actually instigated them; and I said that I would again direct his Excellency to support the German demands as far as he should consider them to be reasonable.

*Lord Odo Russell.*

DERBY.

*No. 60.—The Earl of Derby to Count Münster.*

M. L'AMBASSADEUR,

*Foreign Office, June 15, 1876.*

SIR HENRY ELLIOT, to whom I telegraphed immediately after the receipt from your Excellency of the information which you were good enough to communicate to me on the 12th instant as to the insufficiency of the Salonica sentences, has informed me by telegraph that the sentences have been annulled, and that the inculpatcd officers and officials will be tried at Constantinople in the presence of Delegates from the Embassies. Her Majesty's Government have learnt with satisfaction that the representations which Her Majesty's Ambassador had made, in accordance with those made by his colleagues, with the view of obtaining a revision of the sentences, have led to this result, which will doubtless avert the complications which your Excellency feared, if the Turkish Government should refuse to reconsider this question.

As the German and French Delegates at Salonica appear to think that Her Majesty's Consul had not altogether exerted his influence in their favour, it has been decided that another British Delegate shall attend the new trial. I must, however, explain that this decision must not be construed to imply that it is considered that the Consul has in any degree shown partiality or failed to support his colleagues with his best energies.

I have, &c.,

*Count Münster.*

DERBY.

*No. 61.—The Earl of Derby to Sir H. Elliot.*

(Extract.)

*Foreign Office, June 15, 1876.*

THE German Ambassador informs me that, from reports received from the German and French Delegates at Salonica, bearing the date of the 8th of June, it appears that the Colonel and Chief of Police has been sentenced to one year's imprisonment and

degradation, and that the officers in command of the garrison and of the corvette stationed in the port have each received the lenient sentence of 45 days' imprisonment.

The Delegates state that they have made every effort to obtain severer sentences, but in vain.

Count Münster added that the Imperial Government could not be satisfied with this result.

I have to instruct your Excellency to support the German demands as far as you consider them reasonable.

*Sir H. Elliot.*

DERBY.

*No. 62.—The Earl of Derby to Sir H. Elliot.*

SIR,

*Foreign Office, June 15, 1876.*

I TRANSMIT to your Excellency herewith, for your information, a copy of a despatch which I have addressed to Lord Odo Russell,\* informing him of a communication made to me by the German Ambassador respecting the alleged desire of the Porte to shield the more influential persons concerned in the murder of the Consuls at Salonica, and, in accordance with the intimation I have conveyed to the German Government, I have to request your Excellency to continue to act with your German and French colleagues in bringing to justice any persons who can be proved to have taken part in the murders, or actually to have instigated them. I am, &c.,

*Sir H. Elliot.*

DERBY.

*No. 63.—Sir H. Elliot to the Earl of Derby.—(Received June 16.)*

(Extract.)

*Therapia, May 28, 1876.*

THE French and German Ambassadors have informed Raschid Pasha of the amount of the indemnity required by their Governments for the families of the Consuls murdered at Salonica.

600,000 francs are demanded for the widow and children of the French Consul.

For the widow of the German Consul 800,000 francs are required. She has no children.

The Sultan had already intimated that a sum of money should be paid to the families.†

*The Earl of Derby.*

HENRY ELLIOT.

*No. 64.—Sir H. Elliot to the Earl of Derby.—(Received June 16.)*

MY LORD,

*Therapia, May 28, 1876.*

ON the invitation of Raschid Pasha, my French and German

\* No. 55.

† Sir Henry Elliot reported on the 11th August, 1876, that all the demands of the French and German Ambassadors had been complied with, and that the indemnity to the Consuls' families had been paid in full.

colleagues and myself this morning met his Excellency to discuss some differences which he said had arisen between the Imperial Commissioners and the Delegates of the three Embassies who are conducting the inquiry into the Salonica murders.

According to his Excellency, the Delegates imagined themselves to be sitting as judges of the accused along with the Commissioners, which he did not consider to be their proper character.

We all concurred with the Minister in the opinion that the duty of the Delegates was to watch the proceedings, to endeavour to elicit all the facts, and to express their opinions freely as to the culpability of the accused, but not to take part in pronouncing the sentences.

Raschid Pasha next observed that the sentences upon the ordinary culprits could be executed without reference to the Porte, but that in the event of any functionary of the Government receiving a capital sentence the law required that it should receive the sanction of the Government before being carried out, and he hoped we should not object to this course being followed if, unfortunately, a functionary should be condemned to death; though he promised that there should be no delay in giving the necessary sanction.

We did not consider it possible to object to this.

His Excellency said that another case might arise upon which it was desirable that the Delegates should receive instruction, to prevent the occurrence of any difference between them and the Imperial Commissioners.

Any person found guilty of having instigated the murders would undergo capital punishment, exactly like those who had actually participated in the deed; but that those who had merely excited the people for a movement against the authorities for the purpose of the recovery of the girl would not, under the Turkish law, be held liable to it: and Raschid Pasha therefore hoped that we should not insist upon their being condemned to death.

The distinction made by the Minister between these two classes was too fair to be disputed, and we told him that we did not insist upon the infliction of any punishment beyond that which is sanctioned by the law of the country, but that we expected this to be vigorously and impartially applied.

The inclosed identic instruction was then drawn up, and after being shown to Raschid Pasha, who expressed himself satisfied with it, was transmitted by telegraph to our Delegates at Salonica.

I have, &c.,

*The Earl of Derby.*

HENRY ELLIOT.

(Inclosure.)—*Identic Telegram from English, French, and German Ambassadors to their Delegates on the Commission at Salonica.*

*Le 28 Mai, 1876.*

LA Porte vient de nous faire part de certaines divergences de vues qui se seraient produites entre les Commissaires Ottomans et vous ; nous nous sommes réunis avec Rachid Pacha et nous nous sommes arrêtés aux résolutions suivantes :

1. Vous devez assister à tous les actes de la procédure, présenter vos observations et, au besoin, protester contre les actes qui vous paraîtraient de nature à vous décider à une semblable démarche, mais vous n'avez pas à prendre part à la prononciation même du jugement.

2. Vos droits sont les mêmes dans les procédures dirigées contre les fonctionnaires que dans celles dirigées contre les autres prévenus.

3. Si la peine capitale était prononcée contre un fonctionnaire, d'après la loi la sanction de la Porte est nécessaire. Si ce cas se produisait, avisez-nous télégraphiquement, et nous insisterons pour que la Porte prenne une prompte décision.

4. Il a été demandé si la peine capitale doit être appliquée aux individus qui ont excité à la révolte contre les autorités, sans avoir appelé aux armes. Nous répondons : toute la question est de savoir si ces actes ont le caractère de complicité ; c'est une question de fait qui ne peut être théoriquement décidée et qui ne peut être jugée que sur les lieux. Si dans une question de fait il y avait divergence entre les Commissaires et vous, il en serait référé immédiatement à Constantinople, où la question serait discutée entre la Porte et les Ambassades.

*No. 65.—Sir H. Elliot to the Earl of Derby.—(Received June 16.)*

MR LORD,

*Therapia, June 8, 1876.*

I HAVE the honour to inclose the copy of an address which has been presented by the British residents at Salonica to Mr. Blunt, and forwarded by them to me, in which they express themselves in high terms of his conduct and services during the late disorders.

I may add that the United States' Admiral Worden, who arrived here a few days ago from Salonica, also speaks highly of the judgment and tact that have been exhibited by Mr. Blunt.

I have, &c.,

*The Earl of Derby.*

HENRY ELLIOT.

*No. 68.—Sir H. Elliot to the Earl of Derby.—(Received June 19.)*  
(Extract.)

*Therapia, June 10, 1876.*

THE French and German Ambassadors called upon me yesterday together, the former having just communicated to the Grand Vizier

and Raschid Pasha, for himself and his colleague, a telegram they had received from their Delegates at Salonica, reporting the inadequacy of the sentences passed upon the military officers whose conduct was impugned in the late occurrences.

According to this report, these officers, upon receiving orders to take troops to the mosque where the Consuls were retained by the mob, answered that the girl should first be given up, and they were afterwards found quietly smoking their cigarettes.

If this statement is correct, sentences of one year's imprisonment and of 45 days' arrest certainly appear wholly inadequate for conduct which was followed by such a tragical result.

My colleagues said that they had telegraphed to their Governments for the instructions which this report might call for, and I said I would likewise telegraph to your Lordship.

I first, however, directed Mr. Blunt to report the particulars; but I have nothing yet from him beyond the expression of an opinion that the sentences are too lenient, and I do not see how any correct judgment can be formed on the case till we receive a full written report upon it.

*The Earl of Derby.*

HENRY ELLIOT.

*No. 89.—Lord Odo Russell to the Earl of Derby.—(Rec. June 19.)*

(Extract.)

*Berlin, June 13, 1876.*

HERR VON BULOW tells me that Count Münster has been instructed to solicit the assistance of Her Majesty's Government in regard to the punishment of the murderers of the French and German Consuls at Salonica.

The German Government consider that the murder of a Consul is too grave a matter to admit of any but the fullest and most complete satisfaction, and they are prepared to insist on the real authors of the murder being brought to justice if the Turkish authorities should attempt to evade the just expectations of the German and French Governments in this matter.

*The Earl of Derby.*

ODO RUSSELL.

*No. 78.—Sir H. Elliot to the Earl of Derby.—(Received June 22.)*

(Extract.)

*Therapia, June 15, 1876.*

WITH reference to my despatch of the 10th instant, I have the honour to transmit to your Lordship a copy of the telegraphic report from Mr. Blunt upon the evidence given on the trial of the officers alluded to.

Although, according to Mr. Blunt, the observation of the officer that the girl ought first to be restored, was not made as a preliminary condition to his taking the troops to the mosque, the in



sufficiency of the sentences, which I had not failed to represent to the Porte, seems to be fully admitted. My French and German colleagues received instructions from their Governments to insist that the sentences should be annulled, and experienced no difficulty in obtaining from the Porte a promise that the case should be transferred, and reheard here in the presence of their Delegates, who have consequently been summoned from Salonica.

It is usual, and is regarded as a right upon which we have always insisted, that the trial of persons accused of being implicated in the death of a British subject should take place in the presence of a dragoman of the Embassy or Consulate, and it will probably be advisable that this course shall be followed on the present occasion when the three Embassies will be on the same footing, without risk, it may be hoped, of misunderstanding among their Delegates.

*The Earl of Derby.*

HENRY ELLIOT.

*(Inclosure.)—Consul Blunt to Sir H. Elliot.*

*(Telegraphic.)*

*Salonica, June 10, 1876.*

ACCORDING to evidence it seems to me that observation of officer that girl should be restored did not apply to execution of orders received from Governor-General, and, according to Italian Consul's opinion, was made in answer to his request to take troops to mosque, and seems to him was inspired by emergency of the moment. Officers were not found smoking, but French Acting Consul deposed having seen some of their troops doing so. The detention of marines 30 minutes at fortress after they were landed is not considered by Court an act of disobedience, but negligence.

*No. 75.—Sir H. Elliot to the Earl of Derby.—(Received June 30.)*

*(Extract.)*

*Therapia, June 19, 1876.*

THE French Ambassador called upon me yesterday and asked whether I would join him and the German Ambassador in a representation they were going to make to the Porte demanding that in the fresh trial to be held upon the officers implicated in the Salonica tragedy, the depositions taken at the first trial before the Commissioner and in the presence of the Delegates should be held sufficient without reopening the case from the beginning.

I said I was quite ready to make a similar representation, but at the same time I told my colleague that if it should turn out that the accused had a legal right to have their witnesses heard before the new Court, I should be unable to insist upon their being deprived of it.

*The Earl of Derby.*

HENRY ELLIOT.

*No. 76.—Consul Blunt to Sir H. Elliot.*

SIR,

*Salonica, June 18, 1876.*

I HAVE only time, owing to the early departure of the mail, to forward, herewith inclosed, a translated statement, with an abridged list, relative to the conviction of the individuals who have been directly or indirectly implicated in the murder of the French and German Consuls at Salonica on Saturday, the 6th of May, 1876.

I should report that the proceedings during the trial of the culprits were conducted with forbearance, dignity, and coolness, and in an impartial manner, by the Imperial Commissioners, Eshref Pasha and Vahan Effendi; and I am bound to say that both Commissioners have allowed to the foreign Delegates who attended the inquiry the utmost latitude compatible with the Turkish law and the Capitulations.

I also inclose a plan of the konak, and of the mosque where the two Consuls were murdered.

I have, &amp;c.,

*Sir H. Elliot.*

J. E. BLUNT.

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*(Inclosure 1.)—Statement relative to Convictions of 35 Individuals implicated in Murder of French and German Consuls.*

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*(Inclosure 2.)—Names of the Individuals who have been condemned by the Imperial Commission for being directly or indirectly implicated in the Murder of the French and German Consuls at Salonica, on the 6th of May, 1876.*

Condemned to death, 12.

(The first six named on the list were publicly executed on Tuesday, the 16th May, 1876, at 5 P.M., in presence of Eshref Pasha, Imperial Commissioner, the French and German Delegates, and the British Consul.)

Condemned to prison for life, with hard labour, 8.

Condemned to prison for 10 years, with hard labour, 2.

Condemned to prison for 5 years, with hard labour, 11.

Condemned to prison for 3 years with hard labour, 4.

Condemned to transportation for 3 years, 1.

Condemned to prison for 1 month, 1.

Salib, a boy of 11 years of age, was whipped for stealing the watch of the German Consul after he was murdered.

In all, 35 culprits.

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*No. 77.—Consul Blunt to Sir H. Elliot.*

(Extract.)

*Salonica, June 20, 1876.*

IN continuation of my Report of the 18th instant, relative to the proceedings of the Imperial Commission of Inquiry into the murders

of the French and German Consuls at Salonica, I have the honour to inclose herewith the translations of the preliminary depositions of Selim Bey, ex-Colonel of Salonica Police, and of two of his subordinate officers. I also inclose translated copies of the evidence of the Arab woman, Bushen; of the Bulgarian girl, Stephana; and of her mother, Mario; as well as translated copies of the evidence which was taken at the village Bogdantza, by a Commission sent there at my suggestion by the Imperial Commissioners, for the purpose of inquiring into the alleged connection of Emin Effendi, Member of the Local Medjliss, with the conversion of the Bulgarian girl, Stephana.

I very much regret that I have not been able to procure, for transmission to your Excellency, copies of all the evidence which has been taken by the Imperial Commission, bearing on the murder of the Consuls. It is, of course, very voluminous, and the clerks of the Court had no time to prepare copies for me before their return to Constantinople. They told me that the Porte would furnish them if applied for by Her Majesty's Embassy.

The details of the facts which have been elicited by the inquiry respecting the murder of the Consuls, as well as all the circumstances bearing on the conversion and subsequent violent seizure by the Christians of the Bulgarian girl, prove that the Greeks and Bulgarians were the primary cause of the outbreak; that their assault of the police and their violent seizure of the girl, in a public and aggravating manner, offended the religious and political susceptibilities of the Mahomedans; that, in short, the fanatic zeal of the former excited the fanatic fury of the latter, and directed it to one object, the restoration of the girl to the authorities.

Had the girl been restored at once, in answer to the Governor's summons, there would have been no bloodshed; and it is a very significant fact that immediately the mob saw the girl in the possession of my cavass, and were satisfied that she was placed in charge of the Pasha, they dispersed without making any further disturbances.

While the Mahomedans in this city have had no deliberate intention or desire to attack the Christians, still their feelings for some time past were becoming excited and agitated from various causes, of which I may mention the following as the most active: the long duration of the insurrection in the Herzegovina, and the impunity with which Montenegro and Servia encourage and assist the insurgents; the growing unpopularity of the late Sultan; the policy of his Grand Vizier, Mahmoud Pasha; and the mutual suspicions and alarms engendered among the inhabitants by vague rumours of fanatical outbreaks, which were industriously circulated by evil-intentioned persons.

It is not difficult, therefore, to imagine how a people whose minds have been worked into an abnormal state of agitation took offence and burst into violent action when they felt that their religious sentiments and prejudices had been publicly slighted and dishonoured.

In making the above few remarks my only object was to endeavour to explain the causes which produced this Mahomedan outbreak.

I do not in the least attempt to attenuate the horrible results which accompanied it, or to lessen the culpability of the ex-Governor-General and his subordinates for not taking active and efficient measures to disperse the mob and protect the lives of the Consuls.

Sir H. Elliot.

J. E. BLUNT.

*(Inclosure.)—Plan of the Governor's House, and of the Mosque in which the French and German Consuls were murdered.*

No. 79.—Sir H. Elliot to the Earl of Derby.—(Received July 14.)

(Telegraphic.)

Therapia, July 14, 1878, 5.30 P.M.

THE following sentences have been passed on the officers implicated in the Salonica affair:—The Chief of the Police is condemned to degradation and 15 years' hard labour; the Commander of the frigate, degradation and 10 years' imprisonment in fortress; and the Commander of the citadel, to 8 years in a fortress. Our Dragoman considers the sentences proper. The French and German Ambassadors express themselves satisfied. The Governor-General has still to be tried.

X

**CORRESPONDENCE** respecting the Bombardment of the Fortress of Omoa, Honduras, by the British Man-of-war Niobe, on the 19th and 20th of August, 1878.—October, 1878.

Mr. Williamson to Mr. Fish.

United States' Legation in Central America,

Guatemala, October 6, 1878.

SIR,

I HAVE the honour to inclose herewith the correspondence between the Secretary of Foreign Affairs and myself in regard to the report of the Consul at Guatemala about the actions of the General Sherman, and the bombardment of Omoa by the British man-of-war

*Niobe.* It is proper for me to mention that the report is but a written declaration of the verbal statement made to me by the said Consul at the President's house, at the invitation of the President and in the presence of the chief members of his Cabinet. At my suggestion it was reduced to writing. The British Minister, Mr. Edwin Corbett, also did me the honour to read to me the report made to him by a Mr. Bain, who was acting as Vice-Consul of Her Britannic Majesty at Omoa at the time of the occurrences referred to. The two statements correspond as to the conduct of the *Sherman*, and do not, in my judgment, vary materially as to the bombardment, except that in the British statement very great prominence is given to the sacking of Omoa and insult to the British flag, and trespass upon the (so-called) British soil of the Island of Zapodilla, when the authorities of Honduras (General Straeber commanding) captured the Spanish and Portuguese Consuls there.

In the absence of any report from our own Consul at Omoa, Mr. Chas. B. Follin, I have had to rely upon their statements in order to make up an opinion on the subject. I wrote to Mr. Follin, but presuming that he lived at one or the other of the ports to which he is nominated as Consul, I addressed my letter wrong. It seems he does not reside at Omoa or Truxillo, but a little village opposite the village of Puerto Cadballo. Hoping that it may not be considered improper, but, on the contrary, perfectly proper, that I should give you my opinion, I beg leave to say that I am compelled to believe the captain of the *Sherman* has unjustifiably and outrageously abused the flag of our country, and also that General Straeber's conduct in the sacking of Omoa and pillaging (or allowing to be pillaged) the British Consulate was disgraceful, to say nothing of his barbarity in firing upon a party from the *General Sherman*, which, under a flag of truce, approached the fortress of Omoa to accept its delivery according to previous arrangement with the treacherous fellow who was in command. This fellow's name I have been unable to learn. Whether the said party was composed of filibusters or not does not alter the barbarity of slaughtering in cold blood human beings who had a right to believe they were protected by a white flag, and who, relying upon the sanctity given by such protection among civilised nations, placed themselves at the mercy of their slayers. I also venture to recommend that the *General Sherman* be seized. Is she not a pirate? If the reports about her repeated changes of flag be true, and she is an armed vessel of a private person, General Palacios, or any of his confederates, and is being used for hostile purposes against peaceful States, would she not be rightfully classed among those piratical vessels in the possession of a crew and acknowledging obedience to no flag whatever, but, in defiance of all law, levying war for purposes of

private gain? It occurs to me she could not complain of such a classification, if the statements made in regard to her are true. I venture to throw out the suggestion.

I have, &c.,

*Hamilton Fish, Esq.*

GEO. WILLIAMSON.

(Inlosure 1.)—*Señor Soto to Mr. Williamson.*

SEÑOR, (Translation.) *Guatemala, October 4, 1873.*

I HAVE the honour to inclose to you the certified report of Señor Don Delfino Sanchez, our Consul at the Establishment of Belize. From this document you will be able to inform yourself concerning the principal facts of Palacios' expedition, and especially the facts concerning the abuse of the American flag, and of the strange behaviour of the American Vice-Consul. I hope that you will transmit the report to your Government, and in the meanwhile, with your known disposition for justice, you will take whatever steps in your power to put a stop to the evils occasioned to the Governments of Guatemala and Honduras by the expedition, which is assisted, directly or indirectly, by agents and citizens of the nation which you so worthily represent.

With the most distinguished consideration, I have, &c.,

MARCO A. SOTO.

*Hon. Geo. Williamson.*

(Sub-Inclosure.)—*Report of the Consul of Guatemala at Belize.*

(Translation.)

HAVING been honoured by the Supreme Government of the Republic as Consul to the establishment of Belize, I arrived at that place about the end of last July.


I immediately presented to the Lieutenant-Governor my credentials, and was recognized provisionally in the character of Consular Agent of Guatemala while the customary exequatur should be received from England. I am happy to be able to state that my reception by the Lieutenant-Governor was truly frank and cordial, showing on his part a spirit of consideration and friendship for the Republic of Guatemala, which was confirmed afterwards by acts conducive to the peace and general welfare of this Republic which I will mention presently.

In compliance with one of the principal charges in the mission which I carried to Belize, I went to the Lieutenant-Governor's, soliciting the embargo of the armament which is in the house of Guild and Co. This armament, as the Government knows, was

brought from the United States for Vincente Cerna, to be employed in hostilities against this Republic; but when he wished to carry them away from Belize they were not delivered, because our Minister in England had interposed and obtained a retention. Afterwards, when that retention had been countermanded by the same English Government, there appeared in the Belize waters the steamer *General Sherman*, with the American flag flying, claiming the arms for the purpose of carrying them off; the Consul of Honduras, Señor Nutrie, affirming that Don Vincente Cerna sold these arms to the President of Costa Rica, Thomas Guardia, presenting in corroboration a letter from Señor Cordez, Vice-Consul of that Republic in Colon. Notwithstanding, the Governor would not permit the arms to be delivered, being certain that they would be used against this Republic, as they surely would have been, as is proved by the warlike acts of the *General Sherman* immediately after her departure from Belize. The house of Guild and Co., in view of the Governor's negative, presented him a writing with the view, perhaps, of bringing charges against him for these proceedings. The Governor then, with the advice of his Council, prohibited for the space of six weeks the exportation of all material of war in consideration of the state of invasion of the coast of Guatemala and Honduras, which disposition was legalized by reason of the continuance of the same causes which prompted the act. By that very just and loyal disposition the Governor of Belize has given to these Republics menaced by filibusters a proof very much to be appreciated of his good intention not to permit those who are disposed to war against us to have direct or indirect assistance from the Establishment, which is now at peace with us and desirous of maintaining the best political and commercial relations. I can add with satisfaction that that proceeding, so favourable to the order and good of these Republics, does not altogether ensue from the good spirit of English legislation, but principally from the honour and impartiality of the Lieutenant-Governor and his Council, who, understanding perfectly the purposes why the arms were wanted, did not permit themselves to be surprised into delivering them on frivolous pretexts and menaces. In order to explain the foul measures adopted by the invaders, headed by Palacios, for recruiting men in Colon, I will give a few dates and facts obtained from the Attorney-General of the Queen in Belize, which will elucidate the subject. At my request, he gave me the following:—Some natives of Jamaica and English subjects which were in Colon were asked by Captain Gordon to be employed in the *Sherman*, telling them that the vessel was his by virtue of purchase, and carried the American flag. Twelve of them agreed to go for six weeks to the port of Limon and Belize, not suspecting that the voyage was of a hostile character. In Colon about 40 embarked

with them as passengers, among whom was one they called General Palacios.

From Colon they went to the port of Costa Rica, where they met a schooner which carried the flag of Costa Rica, from which was transferred to the *Sherman* a great number of boxes; some were long boxes, which contained Remington rifles. They then proceeded to the Key of Culabra, in the Colony of Belize, where were disembarked the greater part of the passengers, the steamer proceeding to Belize, where she remained a few hours while Captain Gordon went on shore and returned with some provisions. On returning to the key several boats came to her from Belize, bringing the Englishmen Morgan and Garnier, the Americans Tracy and Clotter, and various others. Those who were left at the key were re-embarked. They then commenced to open the boxes which were taken from the schooner, and to arm the passengers; they then proceeded, flying the American flag, to the Islands of Utailla and Buitan, taking prisoner the Governor of the latter, leaving in his place the Englishman Garnier, who obliged the inhabitants to take arms and embark on the *Sherman* for Truxillo, which place they took, always flying the flag of the United States. After they had disembarked there took place a little firing, when Colonel Oriza was killed. Two days after the taking of Truxillo was celebrated the installation of the Government of Honduras, which they called "legitimate constitutional," and they also changed the name of the steamer to *Col. Oriza*, and hoisted the Honduras flag. From here they went to Zapotilla Key, where they took a sloop with a Colonel Lubin, six soldiers, and two Spanish subjects, keeping all in confinement except the Spaniards, who were free. They went to Puerto Cortes and Omoa, having also made a trip to Livingston and Santo Tomas, where they took by force about 80 men. At Puerto Cortes the witnesses to the above report demanded to be dismissed, as their time of contract had expired and they had no wish to belong to any filibustering expedition. These men testify that they went to the Vice-Consul of the United States, Mr. Brinton, to complain against Captain Gordon for the swindle which he had put upon them, and that this functionary refused to receive any information whatever upon the matter, and even advised them to desist from their intentions. That which proves the partiality of the United States' Vice-Consul is his reply made to the Lieutenant-Governor's observations in regard to the *Sherman* and the arms, that there was nothing to fear, since the papers which she carried were all regular, when it is known to the Undersigned that she had no papers whatever. Another event upon which I deem it necessary to enlighten the Government is the bombardment of the castle of Omoa, which was done by the captain of the English ship *Niobe*. The captain of this vessel communicated





to General Straeber the peremptory demand to deliver the sum of 100,000 dollars as a guarantee for the losses sustained by English subjects at Omoa when that place was sacked by his permission, the immediate surrender of the English subjects held as prisoners in the castle, and the salute of 21 guns to the English flag. General Straeber requested an interview, which was denied. He then sent General Mariano Alveres to inform him that the demands were altogether unjust; that he had no money; that he was not responsible for the losses of the English citizens, but the Government of Honduras; and that, inasmuch as he could not submit to such demands, he protested against the threat of bombardment. The captain of the ship then modified his demand to 50,000 dollars, the delivery of the prisoners, and the salute to the flag, giving until 2 in the evening of that day, the 19th of August, to decide, when, unless satisfied, he would commence the bombardment. Not being able to give the satisfaction demanded, the bombardment commenced at a quarter after 4, and continued until 6; commencing next morning at 4 and continuing to half-past 5, when they ceased on seeing the white flag on the fort. That entering on a new arrangement, the captain remained satisfied with the delivery of the prisoners and a document signed by General Straeber binding the Government of Honduras to pay all losses claimed, and dispensing with the salute of 21 guns. This salute was required by the captain of the *Niobe* in satisfaction for supposed outrages towards the English Consulship in Omoa, which was in charge of Señor F. Debrot, he having abandoned Omoa some time before, even before any hostile demonstrations took place, and went to Belize, leaving in charge Mr. Bain, the Director of the railroad of Honduras, who resides in Puerto Cortes. It was not then possible to have outraged the Consulship when the person who was in charge lived in another place. This Mr. Debrot knows very well, that he, more than any other, has assisted Palacios, and that he abandoned Omoa, fearing the consequences of a toast made in public in favour of J. M. Medina, ex-President of Honduras. General Alveres remained on board the *Niobe*, and says that he met the Vice-Consul, Mr. Bain, who he believes to be complicated in favour of Palacios, since it is a fact that the forces of the latter used the trains on the railroad to carry on the war, using one of the cars with a mitrailleuse during the battle at the Chemilicon, and after the defeat to carry off their wounded. He also provided the *Sherman* with engineers and coal belonging to the same road.

There is nothing more at present of any importance to report.

Your obedient servant, &c.,

DELFINO SANCHEZ.

(Inclosure 2.)—*Mr. Williamson to Señor Soto.*

*United States' Legation in Central America,*

SIR,

*Guatemala, October 6, 1873.*

I HAVE the honour to acknowledge the receipt of your esteemed communication of the 4th instant, inclosing a copy of a report made to your Excellency on the 2nd instant by Don Delfino Sanchez, the Consul at Guatemala at the establishment of Belize, in regard to the movements of the steam-ship *General Sherman* and the bombardment of the fortress of Omoa by the British man-of-war *Niobe*. This very interesting report will be promptly forwarded to my Government, and I do not hesitate to assure you that I shall recommend the adoption of such a course towards the *General Sherman* as will be likely to prevent her, or similar crafts, from engaging in revolutionary expeditions against any of our neighbours of Central America.

I shall also call the attention of my Government specially to the statement of the Consul in regard to bombardment of Omoa; but, at the same time, it will be my agreeable duty to communicate the facts upon which the commander of the *Niobe* (as I understand) rests his justification for bombarding the fort of a friendly Power without having first afforded the Government an opportunity to make redress for the wrongs complained of. It is probable the Government of your ally and our friend, Honduras, will put me in possession of the statement or report of its commanding officer at Omoa, General Straeber.

Before concluding this communication, I beg to thank your Excellency for the copy of the report of your Consul, and to renew assurances, heretofore given, that my Government takes the most lively interest in all matters that concern the peace and prosperity of Guatemala and the other States of Central America, and cordially sympathizes with their Governments in their efforts to suppress factious disturbances of public order.

I have, &c.,

GEO. WILLIAMSON.

*Señor Soto, Minister for Foreign Affairs, Guatemala.*

**PROCLAMATION of the Portuguese Governor of Macao, prohibiting Chinese Emigration.—Macao, December 27, 1873.**

(Translation.)

THE Governor of the Province of Macao and Timor and its dependencies, Envoy Extraordinary and Minister Plenipotentiary of His Most Faithful Majesty in China, Japan, and Siam, &c.

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In obedience to the orders from His Majesty's Government the following is enacted :

"The Chinese emigration hitherto carried on in the port of Macao is henceforward prohibited.

"In conformity with the provisions of Article 83 of the Emigration Regulations, this determination shall be complied with within three months after this date.

"Let the competent authorities take note and execute the present Proclamation.

"Government House at Macao, 27th December, 1873.

"VISCONDE DE S. JANUARIO,

"Governor of the Province, &c."

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*CORRESPONDENCE between Great Britain and the United States, respecting the Boundary between Labrador and the Dominion of Canada.—October, November, 1874.*

*Sir E. Thornton to Mr. Fish.*

SIR,

*Washington, October 26, 1874.*

I HAVE the honour to acknowledge the receipt of your note of the 24th instant, and to express my great regret that it has been out of my power as yet to give a positive answer to your question with regard to the political position of Labrador. I can, however, assure you that the delay has not been caused by any neglect on the part of this Legation.

From information which I have received this morning, I am now enabled to state positively that the whole of Labrador outside of the province of Quebec, the boundary of which is laid down in the Imperial Statute 6 Geo. IV, chapter 59, is under the jurisdiction and government of the Colony of Newfoundland, and is actually included in and forms a part of the Colony.

I have, &c.,

*Hamilton Fish, Esq.*

EDWD. THORNTON.

*Mr. Fish to Sir E. Thornton.*

SIR,

*Department of State, Washington, October 27, 1874.*

I HAVE the honour to acknowledge the receipt of your note of yesterday's date, in which you are pleased to state, in answer to the inquiry of this Department, that the whole of Labrador outside of the Province of Quebec is under the jurisdiction and Government

of the Colony of Newfoundland, and is actually included in and forms a part of that Colony.

Thanking you for this information, I have, &c.,

*Sir E. Thornton.*

HAMILTON FISH.

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*Sir E. Thornton to Mr. Fish.*

SIR,

*Washington, November 23, 1874.*

WITH reference to my note of the 26th ultimo, I have the honour to inclose copies of a despatch and of its inclosures which I have received from the Governor-General of Canada, giving more precise details as to the boundary between Labrador and the Dominion of Canada, and the position of the former possession in relation to the latter or to the Colony of Newfoundland.

A map showing the exact boundary on the coast, and the assumed boundary in the interior, is also inclosed.

I have, &c.,

*Hamilton Fish, Esq.*

EDWD. THORNTON.

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*(Inclosure.)—Lord Dufferin to Sir E. Thornton.*

SIR,

*Government House, Ottawa, November 16, 1874.*

WITH reference to your despatch of June 20, and to subsequent correspondence making an inquiry on the part of the United States Government as to the position of Labrador in relation to the Dominion of Canada or Newfoundland, I have the honour to inclose, for the information of Mr. Fish, a copy of an order of the Privy Council which contains the views of my Government on the subject.

Appended to the Minute are extracts from the Imperial Statutes bearing on the question, and a map showing the exact boundary on the coast and the assumed boundary in the interior.

I have, &c.,

*Sir E. Thornton.*

DUFFERIN.

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*(Sub-Inclosure 1.)—Report of a Committee of the Honourable the Privy Council, approved by His Excellency the Governor-General in Council, on the 12th day of November, 1874.*

IN a despatch dated 20th June, 1874, from Sir Edward Thornton to your Excellency, inclosing a communication from the Hon. Hamilton Fish, Secretary of State at Washington, desiring to be informed whether any part of Labrador is separated from the jurisdiction of either the Dominion of Canada or that of Newfoundland.

The Honorable the Secretary of State, to whom this despatch,

with inclosures, has been referred, reports that the boundary-line between the Dominion of Canada and Labrador is a line drawn due north and south from the Bay or Harbour of Ance au Blanc Sablon, near the Straits of Belle Isle, as far as the 52nd degree of north latitude; that Labrador extends eastward and northward from that point to Hudson's Straits.

That the division-line in the interior separating Labrador from the Dominion of Canada has only been defined as far north as the 52nd degree of north latitude, but it has been assumed that the boundary-line in the interior would have taken the direction laid down on the accompanying map, which follows the height of land.

That Labrador, with the islands adjacent thereto, is annexed to Newfoundland, and under the Government of that island.

Attached to the report of the Secretary of State are extracts from the Imperial Statute bearing on the question, and a map showing the exact boundary on the coast and the assumed boundary in the interior.

The Committee recommend that a copy of this Minute, with map and extracts from the Imperial Statutes above alluded to, be transmitted to Sir Edward Thornton for the information of the United States Government.

Certified:

W. A. HIMSWORTH, *Clerk Privy Council, Canada.*

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(*Sub-Inclosure 2.*)—*Imperial Statute 49 Geo. III, cap. 27, section XIV.*

AND whereas His Majesty, by his Proclamation of the 7th day of October, 1763, was pleased to declare that he had put the coast of Labrador from the River St. John to Hudson's Straits, with the Islands of Anticosti and Madelaine, and all other smaller islands lying on the said coast, under the care and inspection of the Governor of Newfoundland; and whereas, by an Act passed in the 14th year of the reign of His present Majesty, entitled "An Act for making more effectual provision for the government of the Province of Quebec in North America," all such territories, islands, and countries as since the 10th day of February, 1763, had been made part of the Government of Newfoundland, were, during His Majesty's pleasure, annexed to and made part of the Province of Quebec, as created by the said Proclamation; and whereas, in pursuance of an Act passed in the 31st year of His present Majesty's reign, entitled "An Act to repeal certain parts of an Act passed in the 14th year of His Majesty's reign, entitled 'An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the

Government of the said Province," the said Province of Quebec was divided into two Provinces of Upper and Lower Canada, the latter including the parts of the coast of Labrador and the said islands so formerly annexed to the Government of Newfoundland; and whereas it is expedient that the said coast of Labrador and the adjacent islands (except the Islands of Madelaine) should be re-annexed to the Government of Newfoundland:

Be it therefore enacted, that such parts of the coast of Labrador from the River St. John to Hudson's Straits, and the said Island of Anticosti, and all other smaller islands so annexed to the Government of Newfoundland by the said Proclamation of the 7th day of October, 1763 (except the said Islands of Madelaine), shall be separated from the said Government of Lower Canada, and be again re-annexed to the Government of Newfoundland. Anything in the said Act passed in the 31st year of His present Majesty's reign or any other Act to the contrary notwithstanding.

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(*Sub-Inclosure 3.*)—*Imperial Act 6 Geo. IV, cap. 59, A.D. 1825.*

IX. AND whereas, under and by virtue of a certain Act passed in the 49th year of the reign of His late Majesty King George the Third, entitled "An Act for establishing Courts of Judicature in the Island of Newfoundland and in the Islands adjacent, and for re-annexing part of Labrador and the Islands lying on the said coast to the Government of Newfoundland;" and of the Act passed in the 5th year of the reign of His present Majesty, entitled "An Act for the better Administration of Justice in Newfoundland, and for other purposes," the coast of Labrador, from the River St. John to Hudson's Straits, and the Island of Anticosti, and all the islands adjacent to the said coast (except the Islands of Madelaine) are annexed to and form part of the Government of Newfoundland, and it is expedient that certain parts of the said coast of Labrador should be re-annexed to and form part of the Province of Lower Canada:

Be it therefore enacted, that so much of the said coast as lies westward of a line to be drawn due north and south from the Bay or Harbour of Ance Sablon, inclusive, as far as the 52nd degree of north latitude, with the Island of Anticosti, and all other islands adjacent to such part as last aforesaid, of the coast of Labrador, shall be, and the same are hereby, re-annexed to and made a part of the said Province of Lower Canada, and shall henceforward be subject to the laws of the said Province, and to none other; and so much of the said recited Acts passed in the 49th year of the reign of His late Majesty King George the Third, and in the 5th year of the reign of His present Majesty, as relates to such part of the

coast of Labrador as last aforesaid, and the said Island of Anticosti, and other adjacent islands shall be, and the same is hereby, repealed.

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*DECREE of the President of Honduras, declaring the Neutrality of the Republic in the War between Spain and the Allied Republics of Bolivia, Chile, Equator, and Peru.—Gracias, September 12, 1866.*

(Translation.)

THE President of the Republic of Honduras,

Considering: that the state of affairs caused in the Republic by the continuation of the war between Spain on the one part, Chile, Peru, Ecuador, and Bolivia on the other part, places the Government in the necessity of providing for eventualities to which the exercise of belligerent rights in its territories and waters may give rise;

Bearing in mind that this duty is still more imperative since the determination of some of the belligerents to issue letters of marque is known, and to transfer hostilities to the Atlantic Ocean, which step may bring them to Cuban waters, and the neighbouring coasts of Honduras;

And conceiving that all unnecessary restrictions imposed on the rights of the belligerents would imply a violation of what is prescribed by the law of nations, the principles of which exact from neutrals perfect impartiality with respect to the parties at war with each other, so that no step taken by the neutral Sovereign with regard to both shall infer offence to either, so long as neither exceed the limits which neutrality imposes on them, decrees:

ART. 1. The Republic of Honduras, resolved to remain neutral in the existing contention between Chile, Peru, Ecuador, and Bolivia on the one part, and Spain on the other part, accepts the principles which govern the rights and obligations of neutrals, and in consequence recognizes the right of the vessels of war and privateers, as well of Spain as of Chile, Peru, and their allies, to take to the ports of the Republic in both seas the prizes they reciprocally may make; recognizing also the right which favours the belligerents to establish in the said ports the respective competent tribunals, to adjudge such prizes, to sell them, and to do all that is permitted to Powers at war with each other in neutral territory and waters.

2. Let this Declaration be duly placed before the Legislative Power, communicate it to the Governments of the other States of Central America, explaining the reasons on which the Declaration is founded; communicate it also to Spain, Chile, Peru, Ecuador, and

Bolivia, seeing that it has been dictated by those duties of hospitality which should be dispensed by nations friendly to each other.

Let it be printed, circulated, and communicated to the commanders of the ports, accompanied by the proper instructions.

Given in the city of Gracias, September 12, 1866.

JOSÉ MARIA MEDINA.

JOSÉ MARIA CISNEROS, *Minister for Foreign Affairs.*

*ACT of Congress of the United States, to enable the People of Colorado to form a Constitution and State Government, and for the Admission of the said State into the Union on an equal footing with the original States.*

[Chapter 139.]

[March 3, 1875.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that the inhabitants of the territory of Colorado included in the boundaries hereinafter designated be, and they are hereby, authorized to form for themselves, out of said territory, a State Government, with the name of the State of Colorado; which State, when formed, shall be admitted into the Union upon an equal footing with the original States in all respects whatsoever, as hereinafter provided.

§ 2. That the said State of Colorado shall consist of all the territory included within the following boundaries, to wit: commencing on the 37th parallel of north latitude where the 25th meridian of longitude west from Washington crosses the same; thence north, on said meridian, to the 41st parallel of north latitude; thence along said parallel west to the 82nd meridian of longitude west from Washington; thence south on said meridian to the 37th parallel of north latitude; thence along said 37th parallel of north latitude to the place of beginning.

§ 3.\* That all persons qualified by law to vote for Representatives to the General Assembly of said territory, at the date of the passage of this Act, shall be qualified to be elected, and they are hereby authorized to vote for and choose Representatives to form a Convention under such rules and regulations as the Governor of said territory, the Chief Justice, and the United States' Attorney thereof may prescribe; and also to vote upon the acceptance or rejection of such Constitution as may be formed by said Convention, under such rules and regulations as said Convention may prescribe; and the aforesaid Representatives to form the aforesaid Convention shall

\* Amended by Act of Congress of March 3, 1876.



be apportioned among the several counties in said territory in proportion to the vote polled in each of said counties at the last general election as near as may be; and said apportionment shall be made for said territory by the Governor, United States' District Attorney, and Chief Justice thereof, or any two of them; and the Governor of said territory shall, by Proclamation, order an election of the Representatives aforesaid to be held throughout the territory at such time as shall be fixed by the Governor, Chief Justice, and United States' Attorney, or any two of them, which Proclamation shall be issued within 90 days next after the 1st day of September, 1875, and at least 30 days prior to the time of said election; and such election shall be conducted in the same manner as is prescribed by the laws of said territory regulating elections therein for members of the House of Representatives; and the number of members to said Convention shall be the same as now constitutes both branches of the Legislature of the aforesaid territory.

§ 4. That the members of the Convention thus elected shall meet at the capital of said territory, on a day to be fixed by said Governor, Chief Justice, and United States' Attorney, not more than 60 days subsequent to the day of election, which time of meeting shall be contained in the aforesaid Proclamation mentioned in the third section of this Act, and, after organization, shall declare, on behalf of the people of said territory, that they adopt the Constitution of the United States; whereupon the said Convention shall be, and is hereby, authorized to form a Constitution and State Government for said territory: Provided, that the Constitution shall be Republican in form, and make no distinction in civil or political rights on account of race or colour, except Indians not taxed, and not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence: and provided further, that said Convention shall provide, by an ordinance irrevocable without the consent of the United States and the people of said State, first, that perfect toleration of religious sentiment shall be secured, and no inhabitant of said State shall ever be molested, in person or property, on account of his or her mode of religious worship; secondly, that the people inhabiting said territory do agree and declare that they for ever disclaim all right and title to the unappropriated public lands lying within said territory, and that the same shall be and remain at the sole and entire disposition of the United States, and that the lands belonging to citizens of the United States residing without the said State shall never be taxed higher than the lands belonging to residents thereof, and that no taxes shall be imposed by the State on lands or property therein belonging to, or which may hereafter be purchased by, the United States.

§ 5. That in case the Constitution and State Government shall be formed for the people of said territory of Colorado, in compliance with the provisions of this Act, said Convention forming the same shall provide, by Ordinance, for submitting said Constitution to the people of said State for their ratification or rejection, at an election, to be held at such time, in the month of July 1876, and at such places and under such regulations, as may be prescribed by said Convention, at which election the lawful voters of said new State shall vote directly for or against the proposed Constitution; and the returns of said election shall be made to the Acting Governor of the territory, who, with the Chief Justice and United States' Attorney of said territory, or any two of them, shall canvass the same; and if a majority of legal votes shall be cast for said Constitution in said proposed State, the said Acting Governor shall certify the same to the President of the United States, together with a copy of said Constitution and Ordinances; whereupon it shall be the duty of the President of the United States to issue his Proclamation declaring the State admitted into the Union on an equal footing with the original States, without any further action whatever on the part of Congress.

§ 6. That until the next general census said State shall be entitled to one Representative in the House of Representatives of the United States, which Representative, together with the Governor and State and other officers provided for in the said Constitution, shall be elected on a day subsequent to the adoption of the Constitution, and to be fixed by said Constitutional Convention; and until said State officers are elected and qualified under the provisions of the Constitution, the territorial officers shall continue to discharge the duties of their respective offices.

§ 7. That sections numbered 16 and 36 in every township, and where such sections have been sold or otherwise disposed of by any Act of Congress, other lands, equivalent thereto, in legal subdivisions of not more than one quarter-section, and as contiguous as may be, are hereby granted to said State for the purpose of common schools.

§ 8. That, provided the State of Colorado shall be admitted into the Union in accordance with the foregoing provisions of this Act, 50 entire sections of the unappropriated public lands within said State, to be selected and located by direction of the Legislature thereof, and with the approval of the President, on or before the 1st day of January, 1878, shall be, and are hereby granted, in legal subdivisions of not less than one quarter-section, to said State for the purpose of erecting public buildings at the capital of said State for legislative and judicial purposes, in such manner as the Legislature shall prescribe.

§ 9. That 50 other entire sections of land as aforesaid, to be selected and located and with the approval as aforesaid, in legal subdivisions as aforesaid, shall be, and they are hereby, granted to said State for the purpose of erecting a suitable building for a penitentiary or State prison in the manner aforesaid.

§ 10. That 72 other sections of land shall be set apart and reserved for the use and support of a State University, to be selected and approved in manner as aforesaid, and to be appropriated and applied as the Legislature of said State may prescribe for the purpose named and for no other purpose.

§ 11. That all salt-springs within said State, not exceeding 12 in number, with 6 sections of land adjoining and as contiguous as may be to each, shall be granted to said State for its use, the said land to be selected by the Governor of said State within two years after the admission of the State, and when so selected to be used and disposed of on such terms, conditions, and regulations as the Legislature shall direct: Provided, that no salt-spring or lands the right whereof is now vested in any individual or individuals, or which hereafter shall be confirmed or adjudged to any individual or individuals, shall by this Act be granted to said State.

§ 12. That 5 per cent. of the proceeds of the sales of agricultural public lands lying within said State which shall be sold by the United States subsequent to the admission of said State into the Union, after deducting all the expenses incident to the same, shall be paid to the said State for the purpose of making such internal improvements within said State as the Legislature thereof may direct: Provided, that this section shall not apply to any lands disposed of under the homestead-laws of the United States, or to any lands now or hereafter reserved for public or other uses.

§ 13.\* That any balance of the appropriations for the legislative expenses of said territory of Colorado remaining unexpended shall be applied to and used for defraying the expenses of said Convention, and for the payment of the members thereof, under the same rules and regulations and rates as are now provided by law for the payment of the territorial Legislature.

§ 14. That the two sections of land in each township herein granted for the support of common schools shall be disposed of only at public sale, and at a price not less than 2 dollars and 50 cents per acre, the proceeds to constitute a permanent school fund, the interest of which to be expended in the support of common schools.

§ 15. That all mineral lands shall be excepted from the operation and grants of this Act.

Approved March 3, 1875.

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\* Amended by Act of Congress of March 3, 1876.

*PROCLAMATION of the President of the United States, declaring that the Imperial Parliament of Great Britain, the Parliament of Canada, and the Legislature of Prince Edward's Island have passed Laws to carry into effect Articles XVIII to XXV and Article XXX of the Treaty of Washington of May 8, 1871.\*—Washington, July 1, 1873.*

By the President of the United States of America.

A PROCLAMATION.

WHEREAS by Article XXXIII of a Treaty concluded at Washington on the 8th day of May, 1871, between the United States and Her Britannic Majesty, it was provided that "Articles XVIII to XXV inclusive, and Article XXX of this Treaty, shall take effect as soon as the laws required to carry them into operation shall have been passed by the Imperial Parliament of Great Britain, by the Parliament of Canada, and by the Legislature of Prince Edward's Island on the one hand, and by the Congress of the United States on the other; "

And whereas by the first section of an Act entitled "An Act to carry into effect the provisions of the Treaty between the United States and Great Britain, signed in the city of Washington the 8th day of May, 1871, relating to the Fisheries,"† it is provided "that whenever the President of the United States shall receive satisfactory evidence that the Imperial Parliament of Great Britain, the Parliament of Canada, and the Legislature of Prince Edward's Island, have passed laws on their part to give full effect to the provisions of the Treaty between the United States and Great Britain, signed at the city of Washington on the 8th day of May, 1871, as contained in Articles XVIII to XXV inclusive, and Article XXX of said Treaty, he is hereby authorized to issue his Proclamation declaring that he has such evidence; "

And whereas the Secretary of State of the United States and Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary at Washington have recorded in a Protocol a conference held by them at the Department of State in Washington, on the 7th day of June, 1873, in the following language:—

[Here follows the Protocol. See Vol. LXIII. Page 39.]

Now, therefore, I, Ulysses S. Grant, President of the United States of America, in pursuance of the premises, do hereby declare that I have received satisfactory evidence that the Imperial Parliament of Great Britain, the Parliament of Canada, and the Legisla-

\* Vol. LXI. Page 40.

† Vol. LXIII. Page 34.

ture of Prince Edward's Island, have passed laws on their part to give full effect to the provisions of the said Treaty as contained in Articles XVIII to XXV inclusive, and Article XXX of said Treaty.

In testimony whereof I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the city of Washington this 1st day of July, in the year of our Lord 1873, and of the Independence of the United States of America the 97th.

U. S. GRANT.

By the President :

HAMILTON FISH, *Secretary of State.*

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*ACT of Congress of the United States, to authorize the President to accept for Citizens of the United States the Jurisdiction of certain Tribunals in the Ottoman Dominions, and Egypt, established, or to be established, under the authority of the Sublime Porte, and of the Government of Egypt.*

[Chapter 62.]

[March 23, 1874.]

BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, that whenever the President of the United States shall receive satisfactory information that the Ottoman Government, or that of Egypt, has organized other tribunals on a basis likely to secure to citizens of the United States, in their dominions, the same impartial justice which they now enjoy there under the judicial functions exercised by the Minister, Consuls, and other functionaries of the United States, pursuant to the Act of Congress approved the 22nd of June, 1860, entitled "An Act to carry into effect provisions of the Treaties between the United States, China, Persia, and other countries, giving certain judicial powers to Ministers and Consuls, or other functionaries of the United States in those countries, and for other purposes,"\* he is hereby authorized to suspend the operations of said Acts as to the dominions in which such tribunals may be organized, so far as the jurisdiction of said tribunals may embrace matters now cognizable by the Minister, Consuls, or other functionaries of the United States in said dominions, and to notify the Government of the Sublime Porte, or that of Egypt, or either of them, that the United States during such suspension will, as aforesaid, accept for their citizens the jurisdiction of the tribunals afore-

said over citizens of the United States which has heretofore been exercised by the Minister, Consuls, or other functionaries of the United States.

§ 2. That the President is hereby authorized, for the benefit of American citizens residing in the Turkish dominions, to accept the recent law of the Ottoman Porte ceding the right of foreigners possessing immovable property in said dominions.

Approved March 23, 1874.

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**GUATEMALAN DECREE for the Seizure of Contraband of War entering Ports of Salvador.—Guatemala, April 18, 1876.**

(Translation.)

THE Minister of War, charged with the Government of the Republic of Guatemala:

Whereas the Republic of Guatemala is in a state of war with that of Salvador, and in its character as a belligerent has the right to prevent the importation of elements of war into the ports of the enemy; and whereas to this end it has armed for warfare the steam-ship *General Barrios*:

In virtue of the powers with which he has been invested, decrees:—

ART. 1. The introduction into and traffic in the ports of Salvador is prohibited of all the articles specified in this Decree as contraband of war, which in the event of their capture will be considered lawful prize.

2. The following articles are by this Decree declared contraband of war:—Arms of every kind; gunpowder, and the materials used for its manufacture; munitions of war, and materials for their manufacture, and soldiers' clothing.

3. The Minister of War is charged with the execution of the present Decree.

Given in the National Palace of Guatemala, the 18th of April, 1876.

J. MA. SAMAYOA.

FRANCO. LAINFUESTA, *Minister of Fomento*  
*charged with the Portfolio of War.*

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*SPEECH of the King of Portugal, on the Opening of the Cortes.—Lisbon, January 2, 1876.*

(Translation.)

WORTHY PEERS OF THE REALM AND DEPUTIES OF THE PORTUGUESE NATION!

ON opening the session of this present Legislature I gladly comply with the precept laid down in the Constitutional Charter of the Kingdom.

Our relations of friendship and good understanding with foreign Powers continue happily unchanged.

Having made an agreement on the 15th of September, 1872,\* with the Government of Her Majesty the Queen of Great Britain and Ireland for the purpose of submitting to the arbitration of the President of the French Republic the settlement of the dispute which had long been pending between Portugal and England, as to the right of possession to certain territories in the Bay of Lorenzo Marques, I avail myself with much pleasure of this opportunity to notify to you that Marshal MacMahon, by his Award of the 24th of July of last year,† decided that our right to the territories in question was duly proved and established. In making this communication to you, I feel satisfaction at the termination of a question which had for so many years been pending between my Government and that of Her Britannic Majesty, to whom I am bound by ties of ancient and traditional friendship, which it is my wish to continue and to maintain; and I hereby express my acknowledgments to the Marshal and President for the high impartiality and justice displayed by him in this delicate matter.

After the closing of the last Legislative Session I received the visit of the Sultan of Zanzibar and of the President of the South African Republic, and my Government endeavoured to draw closer with them both the friendly relations which it is well to cement and to develop with the Chiefs of those States which adjoin one of our vastest possessions.

With the object of encouraging trade and facilitating the means of communication with the South African Republic, my Minister of Foreign Affairs concluded with the said President a Treaty which will be submitted to your approval, and from the stipulations of which I trust advantages will accrue to both countries, and at a not remote future period an increase of prosperity to the province of Mozambique.

Public tranquillity has been generally maintained throughout the Kingdom and in the Transmarine Provinces.

\* Vol. LXIII. Page 1045.

† Vol. LXVI. Page 554.

In virtue of the authority accorded to my Government several loans were made for public works, for the purchase of vessels of war; and the disciplinary regulations for the army were published. Moreover, several measures of a legislative nature were decreed in conformity with Article XV of the Additional Act to the Charter. My Ministers will, in due time, render you an account of the use they have made of the powers conferred upon them.

Public works continue to be carried on throughout the Kingdom on a scale compatible with the resources provided for that purpose; 54 kilometres of the Minho Railway, and 38 of that of the Douro were opened for public travel; and these works are being actively carried on. The construction of common roads and of the Algarve Railway were also strenuously pushed forward; but this, as well as other measures of a legislative nature, which the Government have thought it their duty to adopt for that Province in consequence of the extraordinary circumstances in which it was placed, will form the subject of special Projects of Law which will be laid before you by the Minister for the proper Department. I hope that you will maturely examine the same, and that they may meet with your approval.

Several Projects of Law of general interest remained pending in the two Houses of Parliament at the close of the last Legislative Session. I call your enlightened attention especially to those respecting administrative reform, primary instruction, the Code of Civil Procedure, the sanctioning of the expenditure incurred in procuring new armament for the army, and the construction of new railways. Other proposals will be laid before you by the several Public Departments upon different branches of the Public Administration, some of which are intended to ameliorate the condition of the Transmarine Provinces, and to develop the wealth of those vast and important possessions. With regard to all these I trust you will adopt such decisions as your enlightened zeal may suggest.

My Minister of Finance will lay before you the Budget of the Revenue and Expenditure of the State for the financial year 1876-1877, and I rejoice at being able to inform you that the improvement of the public credit and the steady increase in the public revenue render the condition of the Treasury more satisfactory every day. The increasing prosperity in the different branches of the national activity has caused many of the existing taxes to become more productive, thus relieving the country from the necessity of having to submit to further sacrifices. By means of a judicious economy in the public expenditure, but so as not to be detrimental to the public service, and of a progressive development of the public wealth, we shall gradually continue to improve our economical and financial condition.



Worthy Peers of the Realm and Deputies of the Portuguese Nation !

The matters which you are going to discuss are worthy of your best attention, and I feel sure that you will apply thereto with the wisdom and prudence of which you have given so many proofs. On my part I fully confide in your enlightened patriotism, and in unison with you I hope that with the assistance of Divine Providence we shall continue to endeavour earnestly, as hitherto, to promote the welfare of the nation.

The session is opened !

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*POSTAL ARRANGEMENT between the United States and the Dominion of Canada.—Signed at Ottawa, January 27, 1875, and at Washington, February 1, 1875.*

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THE Post Office Department of the United States of America, and the Post Office Department of the Dominion of Canada, being desirous of effecting, by means of a new Arrangement, the unification of the postal systems of the United States and Canada, in respect to correspondence exchanged between them, the Undersigned, duly authorized for that purpose by their respective Governments, have agreed upon the following Articles :—

ART. I. Correspondence of every kind, written and printed, embracing letters, postal cards, newspapers, pamphlets, magazines, books, maps, plans, engravings, drawings, photographs, lithographs, sheets of music, &c., and patterns and samples of merchandise, including grains and seeds, mailed in the United States and addressed to Canada, or, *vice versa*, mailed in Canada and addressed to the United States, shall be fully prepaid at the domestic postage rates of the country of origin, and the country of destination will receive, forward, and deliver the same free of charge.

II. Each country will transport the domestic mails of the other by its ordinary mail routes, in closed pouches, through its territory free of charge.

III. Patterns and samples of merchandize not exceeding the weight of 8 ounces may be exchanged in the mails between the two countries, under such regulations in regard to the forwarding and delivery of the same as either of the Post Office Departments shall prescribe, to prevent violations of the revenue laws. They must never be closed against inspection, but must always be so wrapped or inclosed that they may be readily and thoroughly examined by postmasters. The postage on each pattern or sample shall be 10 cents, prepayment obligatory.

IV. No accounts shall be kept between the Post Office Departments of the two countries in regard to international correspondence of any kind exchanged between them, but each Department will retain to its exclusive use all the postage it collects on mail matter of every kind sent to the other for delivery.

V. The Post Office Departments of the United States and Canada shall each return to the other all dead letters, unopened and without charge, monthly or oftener, as may best suit the regulations of each Department.

VI. The expense of transporting the mails between the frontier exchange offices, where the conveyance is by water, shall be borne equally by the two Departments; but when the transportation is by land, the expense shall be borne by each in proportion to the distance travelled over the territory of each country. All contracts for such transportation shall, before they go into operation, be approved by the Post Office Department of each country.

VII. All offices now exchanging mails shall continue to act as offices of exchange under this Convention. The two Departments may at any time, by mutual agreement, discontinue any of said offices of exchange or establish others.

VIII. The existing arrangement for the exchange of registered letters between the two countries shall continue in full force; but the registration fee on registered letters sent from the United States to Canada shall be the same as the registration fee charged in the United States on domestic registered letters.

IX. This arrangement, except so far as it relates to letter postage, shall take effect from the 1st day of January, 1875. The reduced letter-rate will come into operation on the 1st of February, 1875. It shall continue in force until terminated by mutual agreement; and it may be annulled at the desire of either Department upon six months' previous notice given to the other.

Done in duplicate and signed at Washington the 1st day of February, 1875, and at Ottawa the 27th day of January, 1875.

(L.S.) MARSHALL JEWELL, *Postmaster-General*  
of the United States.

(L.S.) D. A. MACDONALD, *P. M. G., Canada.*

I hereby approve the foregoing Postal Arrangement, and in testimony thereof I have caused the seal of the United States to be affixed.

(L.S.) U. S. GRANT.

By the President:

HAMILTON FISH, *Secretary of State.*

Washington, February 1, 1875.

*PROCLAMATION of the President of the United States,  
declaring Colorado to be a State of the Union.—Washington,  
August 1, 1876.*

By the President of the United States of America.

A PROCLAMATION.

WHEREAS the Congress of the United States did by an Act approved on the 3rd day of March, 1875,\* authorize the inhabitants of the territory of Colorado to form for themselves, out of said territory, a State Government with the name of the State of Colorado, and for the admission of such State into the Union on an equal footing with the original States, upon certain conditions in said Act specified; and

Whereas it was provided by said Act of Congress that the Convention elected by the people of said territory to frame a State Constitution should, when assembled for that purpose and after organization; declare on behalf of the people that they adopt the Constitution of the United States, and should also provide by an Ordinance, irrevocable without the consent of the United States and the people of said State, that perfect toleration of religious sentiment shall be secured, and that no inhabitant of said State shall ever be molested in person or property on account of his or her mode of religious worship; and that the people inhabiting said territory do agree and declare that they for ever disclaim all right and title to the unappropriated public lands lying within said territory, and that the same shall be and remain at the sole and entire disposition of the United States; and that the lands belonging to citizens of the United States residing without the said State shall never be taxed higher than the lands belonging to residents thereof; and that no taxes shall be imposed by the State on lands or property therein belonging to, or which may hereafter be purchased by, the United States; and

Whereas it was further provided by said Act that the Constitution thus formed for the people of the territory of Colorado should, by an Ordinance of the Convention forming the same, be submitted to the people of said territory for ratification or rejection, at an election to be held in the month of July 1876, at which election the lawful voters of said new State should vote directly for or against the proposed Constitution, and the returns of said election should be made to the Acting Governor of the territory, who, with the Chief Justice and United States' Attorney of said territory, or any two of them, should canvas the same, and if a majority of legal votes should be cast for said Constitution in said proposed State, the said Acting Governor should certify the same to the President of

\* Page 967.

the United States, together with a copy of said Constitution and Ordinances; whereupon it should be the duty of the President of the United States to issue his Proclamation declaring the State admitted into the Union on an equal footing with the original States, without any further action whatever on the part of Congress; and

Whereas it has been certified to me by the Acting Governor of said territory of Colorado, that within the time prescribed by said Act of Congress a Constitution for said proposed State has been adopted, and the same ratified by a majority of the legal voters of said proposed new State in accordance with the conditions prescribed by said Act of Congress; and

Whereas a duly authenticated copy of said Constitution and of the Declaration and Ordinance required by said Act has been received by me:

Now, therefore, I, Ulysses S. Grant, President of the United States of America, do, in accordance with the provisions of the Act of Congress aforesaid, declare and proclaim the fact that the fundamental conditions imposed by Congress on the State of Colorado to entitle that State to admission to the Union have been ratified and accepted, and that the admission of the said State into the Union is now complete.

In testimony whereof I have hereunto set my hand and have caused the seal of the United States to be affixed.

Done at the city of Washington, this 1st day of August, in the year of our Lord 1876, and of the Independence of the United States of America the 101st.

U. S. GRANT.

By the President:

HAMILTON FISH, *Secretary of State*.

*LOI de la République Française, sur la Répression des Délits qui peuvent être commis par la voie de la Presse ou par tout autre moyen de Publication, et sur la Levée de l'État de Siège. (Offenses contre la Personne des Souverains ou Chefs des Gouvernements Étrangers, &c.)—Versailles, le 29 Décembre, 1875.*

L'ASSEMBLÉE Nationale a adopté la Loi dont la teneur suit:

#### TITRE I.

ART. 1. Toute attaque par l'un des moyens énoncés en l'Article 1 de la Loi du 17 Mai, 1819, soit contre les lois constitutionnelles, soit contre les droits et les pouvoirs du Gouvernement de la République qu'elles ont établi, sera punie des peines édictées par l'Article 1 du Décret du 11 Août, 1848.

L'Article 463 du Code Pénal sera applicable dans les cas prévus par le paragraphe précédent.

2. Quiconque se sera rendu complice, par l'un des moyens énoncés en l'Article 60 du Code Pénal, des infractions prévues par l'Article 6 de la Loi du 27 Juillet, 1849, sera puni des peines portées en cet Article.

3. L'interdiction de vente et de distribution sur la voie publique ne pourra plus être édictée par l'autorité administrative comme mesure particulière contre un journal déterminé.

## TITRE II.

4. La poursuite en matière de délits commis par la voie de la presse ou par les moyens de publicité prévus par l'Article 1 de la Loi du 17 Mai, 1819, continuera d'avoir lieu conformément au Chapitre III, Articles 16 à 23, de la Loi du 27 Juillet, 1849, sauf les restrictions suivantes.

5. Les Tribunaux Correctionnels connaîtront :

(1.) Des délits de diffamation, d'outrage et d'injure publique contre toute personne et tout corps constitué ;

(2.) Du délit d'offense envers le Président de la République ou l'une des deux Chambres, ou envers la personne d'un Souverain ou du Chef d'un Gouvernement étranger ;

(3.) De tous délits de publication ou reproduction de nouvelles fausses, de pièces fabriquées, falsifiées ou mensongèrement attribuées à des tiers ;

(4.) Du délit de provocation à commettre un délit, suivie ou non suivie d'effet (Article 3 de la Loi du 17 Mai, 1819) ;

(5.) Du délit d'apologie de faits qualifiés crimes ou délits par la Loi (Article 5 de la Loi du 27 Juillet, 1849) ;

(6.) Des délits commis contre les bonnes mœurs par la publication, l'exposition, la distribution et la mise en vente d'écrits, dessins ou images obscènes ;

(7.) Des cris séditieux publiquement proférés ;

(8.) Des infractions purement matérielles aux lois, décrets et règlements sur la presse.

6. Dans le cas d'offense envers les Chambres ou l'une d'elles, et de diffamation ou d'injures contre les cours, tribunaux ou autres corps constitués, la poursuite aura lieu d'office ; elle aura lieu pour diffamation ou injures contre tous dépositaires ou agents de l'autorité publique, soit sur la plainte de la partie offensée, soit d'office, sur la demande adressée au Ministre de la Justice par le Ministre dans le Département duquel se trouve le fonctionnaire diffamé ou injurié.

En cas d'offense contre la personne des Souverains ou Chefs des Gouvernements étrangers, la poursuite aura lieu, soit à la requête des Souverains ou Chefs des Gouvernements étrangers, soit d'office,

sur leur demande adressée au Ministre des Affaires Étrangères et par celui-ci au Ministre de la Justice.

7. La preuve des faits diffamatoires, dans le cas où elle est autorisée par la loi, aura lieu devant le Tribunal Correctionnel, conformément aux Articles 20 à 25 de la Loi du 26 Mai, 1819.

Les délais prescrits par ces Articles courront à partir du jour où la citation aura été donnée.

8. Tout crime ou délit commis par la voie de la presse sera porté devant la Cour d'Assises du Département où le dépôt de l'écrit doit être effectué, si la session est ouverte et si les délais permettent de donner la citation en temps utile.

Dans le cas contraire, les crimes et délits seront déférés à la Cour d'Assises du ressort de la Cour d'Appel qui sera ouverte ou qui s'ouvrira le plus prochainement, et si deux Cours d'Assises sont ouvertes en même temps dans le même ressort, à la Cour d'Assises la plus rapprochée.

En cas de défaut, la compétence sur opposition sera réglée conformément aux dispositions qui précèdent.

9. L'appel contre les jugements ou le pourvoi contre les arrêts des Cours d'Appels et des Cours d'Assises qui auront statué, tant sur des questions de compétence que sur tous autres incidents, ne seront formés, à peine de nullité, qu'après le jugement ou l'arrêt définitif et en même temps que l'appel ou le pourvoi contre les dits jugements ou arrêts.

Les Tribunaux et les Cours passeront outre au jugement du fond, sans s'arrêter ni avoir égard aux appels ou pourvois formés contrairement aux prescriptions du présent Article.

### TITRE III.

10. L'état de siège est levé dans tous les Départements qui y sont soumis, à l'exception des Départements de la Seine, de Seine-et-Oise, du Rhône, et des Bouches-du-Rhône.

11. L'état de siège sera levé de plein droit dans ces quatre Départements à partir du 1<sup>er</sup> Mai, 1876, s'il n'a été, avant cette époque, confirmé par une Loi nouvelle.

Délibéré en séance publique, à Versailles, le 29 Décembre, 1875.

DUC D'AUDIFFRET-PASQUIER, *Président.*

FÉLIX VOISIN, T. DUCHÂTEL, LOUIS DE SÉGUR,

VTE. BLIN DE BOURDON, *Secrétaires.*

Le Président de la République promulgue la présente Loi :\*

MAL. DE MACMAHON, DUC DE MAGENTA.

L. BUFFET, *Vice-Président du*

J. DUFFAURE, *Garde des Sceaux,*

*Conseil, Ministre de l'Intérieur.*

*Ministre de la Justice.*

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\* Promulguée au "Journal Officiel" du 3 Janvier, 1876.

*DECREE of the President of Honduras, declaring War against  
Salvador.—Gracias, April 1, 1876.*

(Translation.)

JOSÉ MARIA MEDINA, General President of the Republic of Honduras,

Considering: that the revolution proclaimed on the 16th December in this city was supported by the inhabitants of the Republic, who, by their efforts and decision, without great sacrifices, obtained a complete success, by adhering to the principles which had been proclaimed, as is shown by the establishment of the Government created by that movement in the capital, and recognized and respected by all the Departments;

Considering that the Government of Guatemala declared that in the political emergency which had arisen in Honduras, its conduct would be that of abstention, respecting the principle of non-intervention in the struggle, purely Hondurean, which had arisen in this Republic; that the Government of Nicaragua, in a despatch addressed, on the 26th January, to the unacknowledged Government, although it did not clearly fix the line of conduct, did say that the peculiar circumstances in which it found itself did not allow it to take active part in the events that were taking place, and that it limited its action to sending troops to guard the frontiers, which troops in an emergency could help to stop the development of the revolution in Honduras;

Considering that the Government of the Republic of Salvador, presided over by General Don Santiago Gonzalez, at the first news it received of the revolution proclaimed in this city, without observing the prudence which a worthy Government should show as to interfering in the affairs of a foreign country, whose sovereignty deserves to be respected; without waiting to be asked by the Government against which the revolution was promoted, knowing that the leader of it and the principles proclaimed tended to withdraw this Republic from the pupillage under which the Government was placed, and knowing the strength of the opinion of the majority of the Hondureans, was sure of its triumph, hurled its forces into the Hondurean territory, to smother at its birth the popular movement, and that it occupied the city of Ocotepeque on the 25th December with a force commanded by Regino Monterrosa, which force was the advanced guard of 600 more men, which was to arrive from Salvador;

Considering that the same Government withdrew from its intentions and left the territory of Honduras when it was required by that of Guatemala to observe with respect to the affairs of Honduras the principle of non-intervention; but that, in spite of this, it did

not abstain from sending troops to Amapala, and thus rendering assistance on the frontier of Choluteca, as happened in the case of the nightly invasion of Aramecina, and the assistance sent to the field of Intibucá, where the forces of Honduras essayed to decide the question by the force of arms;

Considering that the same Salvadorean Government, presided over by the citizen Don Andres Valle, after concluding with that of Guatemala a Convention which was thought convenient for the pacification of Honduras, at the time the said Convention was being signed, infringed it by General Gonzalez introducing into Honduras unexpectedly an army, which fought at the battle of Rancho Grande, when the Provisional Government, already in possession of all the Republic, occupied the capital, and ex-President Leiva had left the territory of Honduras; that at the same time it detached another force of 1,300 men, under the command of General Brioso, by the frontier of San Miguel, which occupied the town of Intibucá, but hastily evacuated it after several individuals had been made to feel the weight of its vexatious and robberies, committed in defenceless towns;

Considering that the Government presided over by General Gonzalez since 1871, when it was established by the efforts of Honduras, has exercised a bad influence in this country; that it has tried to stop the development of its riches so far as to destroy the freedom of the port of Amapala, causing the Mint and other objects of national property which existed there to be transported to Salvador;

Considering that from the said year the above-mentioned ruler, far from giving satisfaction to Honduras in its legitimate claims for the expenses of the campaign of 1871, suddenly waged the war which inflicted on this people the calamities consequent upon it;

And considering, lastly, that the Government of Guatemala since the beginning of the present revolution has given proofs of supporting and defending the rights of Honduras, from which conduct has arisen the present war in which Salvador is engaged, it being the duty of this Republic to take its proper share once that the Provisional Government has been officially recognized by the said Republic of Guatemala; that with the object that Honduras may recover its rights and its full sovereignty; and considering that it is united to the Salvadorean people by its common and fraternal interests, and that it is indispensable that a Government the hostile action of which has been demonstrated should disappear, decrees:

Art. 1. The Provisional Government of Honduras makes common cause with that of Guatemala, and declares also on its part the war against the Government of Salvador, until full satisfaction shall be obtained for the injuries done by it to this nation.



2. This war is not against the people of Salvador, whose sacred rights the Government of Honduras has given proofs of respecting, and will respect, helping its forces to reconquer its liberties.

3. Relations with that Republic shall be closed during the state of war.

4. Let this Decree be communicated to the Governments of Central America and the Supreme Legislative Power.

Given at Gracias, the 1st of April, 1876.

JOSÉ MARIA MEDINA.

MARCELINO MEJIA, *General Minister.*

*DEFINITIVE TREATY of Peace and Friendship between Guatemala and Salvador.—Signed at Santa Ana, May 8, 1876.*

[Ratifications exchanged at San Salvador, August 18, 1876.]  
(Translation.)

DR. DON RAFAEL ZALDIVAR, Provisional President of the Republic of Salvador, and General Don J. Rufino Barrios, General-in-Chief of the Army and President of the Republic of Guatemala:

Wishing to carry into effect what was agreed upon in the eighth condition of the Treaty of Peace signed at the town of Chalchuapa, on the 25th of April of the present year, by Commissioners appointed by the same General Barrios and the Government of Salvador presided over by the ex-Chief of the State Don Andres Valle, who disappeared in consequence of the above-named Convention, and wishing to re-establish the bonds of friendship and fraternity which in a frank and loyal manner should unite the Governments and people of Salvador and Guatemala, working for the true happiness of those two countries, under the shade of a lasting peace, and re-establishing public morality by means of reciprocal consideration and loyalty, have determined to conclude a definitive Treaty to secure the precious blessing of peace, and to this effect they have named:

The Provisional President of Salvador, Don Cruz Ulloa, Secretary of State for Foreign Affairs; and General Barrios as his Special Commissioner, Don Marco Aurelio Soto; who, having exchanged their respective full powers, and finding them in due form, have agreed upon the following Articles:—

ART. I. There shall be loyal and sincere peace and friendship between the Republics of Salvador and Guatemala, to obtain which the respective Governments engage to assimilate their respective policy, to act in accord in the affairs of general interest to Central America, and to use their efforts that the same uniformity and har-

mony may exist between the Governments of the other Republics of Central America.

II. The Governments of Salvador and Guatemala shall maintain between the two countries a constant union and fraternity, and they shall act together in perfect accord, in order to promote their moral, intellectual, commercial, and agricultural progress.

III. The Governments of Salvador and Guatemala resolve that there shall be between them a complete alliance, offensive and defensive, in case of external war, whether with one or more of the Republics of Central America or with some foreign nation.

IV. Inasmuch as it is the emigrants from one or the other Republics who principally give rise to the misunderstandings and wars between the two Governments, they engage to deliver to each other the criminal emigrants who may have fled on account of ordinary offences, and who may be claimed in order to be judged by the ordinary tribunals; and they engage that those (emigrants) who live on the frontier line and in the frontier Departments shall be concentrated by the Government of Salvador in the interior Departments of that Republic, and by the Government of Guatemala likewise in the interior, both Governments taking care that the concentration shall be maintained and made effective.

V. To facilitate commerce and avoid smuggling, which is injurious to the two Republics, both Governments engage to assimilate the import maritime duties and taxes on commerce, fixing for all as a base 50 per cent. upon the original value of the goods, calculated upon identical valuations, and not to make any reduction without previous agreement between the two Contracting Parties; but each party may raise the duties when it may seem convenient to it to do so, without its being on this account obligatory on the other. It is also agreed that the native manufactures and products that are imported for sale from one of the two Contracting Republics into the other shall be free of duty.

VI. The Salvadoreans resident in Guatemala, and the Guatemalans resident in Salvador, who have obtained scientific or literary degrees in any of the universities of the one or the other Republics, shall be at liberty to exercise freely their profession without other formality than the authenticity of the degrees, the identification of the person, and the licence of the authority or corporation that grants it. In like manner the studies of private individuals outside of the public establishments shall be valid in each country respectively for obtaining literary degrees in the universities, provided such studies have been made in private colleges approved by the Government or with professors who are inscribed as members of those establishments authorized by the law to give instruction, and provided that all be proved by legal documents.

VII. The Salvadoreans settled in the Republic of Guatemala, and the Guatemalans settled in the Republic of Salvador, shall be held and considered as citizens of the country where they reside, enjoying equal rights and privileges with the natives ; but they shall be likewise subject to the same charges, services, and obligations to which the native citizens are or may be subject.

VIII. The Contracting Governments being animated by the desire that for the good of society the crimes that are committed should not rest unpunished through their perpetrators being encouraged by the facility with which they can escape by passing from one territory into the other, thus evading the punishment they deserve, it is agreed to deliver reciprocally the individuals that take refuge in the territory of one of the two Republics who shall have committed in the other any of the following crimes :

(1.) Parricide, infanticide, murder, poisoning, homicide, wounds or blows that may result in death ; (2.) Incendiarism, piracy, forgery or alteration of money, bank bills, or bills of any other public value, public documents, postage or bill stamps of the State ; (3.) Associations of malefactors, extortion by force, petty larceny, fraud, and specially thefts committed by violence, or burglary and highway robbery ; (4.) Fraudulent bankruptcy or participation therein ; (5.) Robbery of State funds committed by public functionaries or any other individuals ; (6.) Theft of cattle or rapine ; and (7.) Desertion or evasion of military service ; and lastly attempt to assassinate any member of the High Powers of either of the two Republics. It is also understood that such a delivery must always be made, although the crime may be committed under the shadow of any faction or revolt. For the extradition to take place, it is necessary to prove the crime and identify the person of the criminal according to the laws of the country that demands it, the application being accompanied by the order of capture, or some other document equivalent to the order, or the condemnatory sentence, and that the extradition declared by the proper tribunal be addressed through the respective Ministry of Foreign Affairs. In urgent cases, and specially when there is danger of the criminal escaping, each of the Governments, in virtue of the sentence of condemnation, accusation, or order of capture, shall by the most expeditious means, and even by telegraph, demand and obtain the arrest of the condemned or accused individual, on the condition that it shall present in the shortest time possible the documents necessary for the extradition. It is agreed that when the criminal has to be tried for any other crime committed in the country where he has taken refuge, the extradition shall not take place until the sentence shall have been pronounced, complied with, and executed.

IX. Both Governments, as formerly stipulated, engage not to

allow the existence in any part of their respective territories of the "Fathers of the Company of Jesus," whether organized as a society or in any other manner.

X. The Republic of Salvador and the Republic of Guatemala can send to each other Diplomatic Ministers, establish Consuls, Vice-Consuls, and Consular Agents at the places where the law may permit. Once such Diplomatic or Consular Agents have been accredited and recognized by the Government near which they are to reside, or in whose territory they are to discharge their duties, they shall enjoy the immunities, privileges, and exemptions that are possessed by those of a similar class of the most favoured nation, and they shall discharge in the same way the functions confided to them.

XI. If any of the Articles of this Treaty should in any manner be violated or infringed, it is expressly stipulated that neither of the two Contracting Parties shall order or authorize acts of reprisal nor declare war until all the peaceful means of obtaining satisfaction and agreement shall be exhausted. These means shall be the declaration in writing of the offences or injuries done, with proofs or sufficient evidence presented by the Government that believes itself offended, and if due satisfaction is not given, then the decision of the question shall be submitted to the arbitration of any Central American Government, or any other Government of the American continent.

XII. As this Treaty contains the principal stipulations of the one which was concluded in the city of San Salvador on the 24th of January, 1872,\* that Treaty is declared superseded by this present, and the two Contracting Republics declare themselves free from the last pact known under the name of "Privas-Carazo," concluded with the Government of Nicaragua.

XIII. This Treaty shall be perpetual and always obligatory in respect to peace and friendship, and in all the points relative to commerce and other dispositions it shall continue in force for the term of 10 years, counted from the day the ratifications are exchanged. If, however, one year before the expiration of the said term neither of the parties has given any official notice of its intention of terminating it, it shall always continue obligatory for both parties until one year after notice of an intention to make it cease has been given.

XIV. The present Treaty shall at once be ratified by Don J. Rufino Barrios, General-in-Chief of the Army of the Republic of Guatemala, and by the Provisional Government of Salvador, and the ratifications shall be exchanged within two months at San Salvador or Guatemala.

XV. The Government of Honduras, having made common cause

\* Vol. LXIII. Page 230.

with Guatemala in the war just ended, the two Contracting Governments shall invite that Government to accept the clauses of this Treaty referring to peace, friendship, and alliance which is established between the two Republics. A similar invitation shall be made to the Government of the Republic of Costa Rica.

In faith whereof the undersigned Commissioners sign and seal with their respective seals, in duplicate, the present Treaty, in the city of Santa Ana, on the 8th of May, 1876.

(L.S.) C. ULLOA.

(L.S.) MARCO A. SOTO.

*PROCLAMATION of the President of the United States, suspending the Judicial Functions of Ministers, Consuls, and other Functionaries of the United States in Egypt.—Washington, March 27, 1876.*

By the President of the United States of America.

A PROCLAMATION.

WHEREAS by the first section of an Act entitled "An Act to authorize the President to accept for citizens of the United States the jurisdiction of certain tribunals in the Ottoman Dominions and Egypt, established, or to be established, under the authority of the Sublime Porte and of the Government of Egypt," approved March 23, 1874,\* it was enacted as follows:—

"That whenever the President of the United States shall receive satisfactory information that the Ottoman Government, or that of Egypt, has organized other tribunals on a basis likely to secure to citizens of the United States, in their dominions, the same impartial justice which they now enjoy there under the judicial functions exercised by the Minister, Consuls, and other functionaries of the United States, pursuant to the Act of Congress approved the 22nd of June, 1860, entitled 'An Act to carry into effect provisions of the Treaties between the United States, China, Persia, and other countries, giving certain judicial powers to Ministers and Consuls or other functionaries of the United States in those countries, and for other purposes,'† he is hereby authorized to suspend the operation of said Act as to the dominions in which such tribunals may be organized, so far as the jurisdiction of said tribunals may embrace matters now cognizable by the Minister, Consuls, or other functionaries of the United States in said dominions, and to notify the Government of the Sublime Porte, or that of Egypt, or either of them, that the United States, during such suspension, will, as afore-

\* Page 972.

† Page 603.

said, accept for their citizens the jurisdiction of the tribunals aforesaid over citizens of the United States which has heretofore been exercised by the Minister, Consuls, or other functionaries of the United States;" and

Whereas satisfactory information has been received by me that the Government of Egypt has organized other tribunals on a basis likely to secure to citizens of the United States in the dominions subject to such Government the impartial justice which they now enjoy there under the judicial functions exercised by the Minister, Consuls, or other functionaries of the United States, pursuant to the said Act of Congress approved June 22, 1860:

Now, therefore, I, Ulysses S. Grant, President of the United States of America, by virtue of the power and authority conferred upon me by the said Act, approved March 23, 1874, do hereby suspend during the pleasure of the President the operation of the said Act approved June 22, 1860, as to the said dominions, subject to the Government of Egypt, in which such tribunals have been organized, so far as the jurisdiction of said tribunals may embrace matters now cognizable by the Minister, Consuls, or other functionaries of the United States in said dominions, except as to cases actually commenced before the date hereof.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, this 27th day of March, in the year of our Lord 1876, and of the Independence of the United States of America the 100th.

U. S. GRANT.

By the President:

HAMILTON FISH, *Secretary of State*.

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*TREATY of Friendship, Commerce, and Consular Privileges between the United States and Salvador.—Signed at San Salvador, December 6, 1870.\**

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[Ratifications exchanged at Washington, March 11, 1874.]

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*A General Treaty of Amity, Commerce, and Consular Privileges between the United States of America and the Republic of Salvador.*

THE United States of America and the Republic of Salvador, desiring to make lasting and firm the friendship and good understanding which happily exist between both nations, have resolved to

\* Signed also in the Spanish language.

fix, in a manner clear, distinct, and positive, the rules which shall in future be religiously observed between each other by means of a Treaty or General Convention of Peace and Friendship, Commerce, and Consular Privileges.

For this desirable object the President of the United States of America has conferred full powers upon General Alfred T. A. Torbert, Minister Resident, and the President of the Republic of Salvador has conferred similar and equal powers upon Doctor Don Gregorio Arbizú, Minister of Foreign Relations; who, after having exchanged their said full powers in due form, have agreed to the following Articles:—

ART. I. There shall be a perfect, firm, and inviolable peace and sincere friendship between the United States of America and the Republic of Salvador, in all the extent of their possessions and territories, and between their citizens respectively, without distinction of persons and places.

II. The United States of America and the Republic of Salvador, desiring to live in peace and harmony with all the nations of the earth, by means of a policy frank and equally friendly with all, engage mutually not to grant any particular favour to other nations in respect of commerce and navigation which shall not immediately become common to the other party, who shall enjoy the same freely if the concession was freely made, or on allowing the same compensation if the concession was conditional.

III. The two High Contracting Parties, being likewise desirous of placing the commerce and navigation of their respective countries on the liberal basis of perfect equality and reciprocity, mutually agree that the citizens of each may frequent all the coasts and countries of the other, and reside therein, and shall have the power to purchase and hold lands, and all kinds of real estate, and to engage in all kinds of trade, manufactures, and mining, upon the same terms as the native citizens, and shall enjoy all the privileges and concessions in these matters which are or may be made to the citizens of any country, and shall enjoy all the rights, privileges, and exemptions in navigation, commerce, and manufactures which native citizens do or shall enjoy, submitting themselves to the laws, decrees, or usages there established to which native citizens are subjected. But it is understood that this Article does not include the coasting trade of either country, the regulation of which is reserved by the parties respectively, according to their own separate laws.

IV. They likewise agree that whatever kind of produce, manufacture, or merchandize of any foreign country can be from time to time lawfully imported into the United States in their own vessels, may be also imported in vessels of the Republic of Salvador; and that no higher or other duties upon the tonnage of the vessel and

her cargo shall be levied and collected, whether the importation be made in vessels of the one country or of the other; and in like manner that whatever kind of produce, manufactures, or merchandise of any foreign country can be from time to time lawfully imported into the Republic of Salvador in its own vessels, may be also imported in vessels of the United States; and that no higher or other duties upon the tonnage of the vessel and her cargo shall be levied or collected, whether the importation be made in vessels of the one country or the other. And they further agree that whatever may be lawfully exported or re-exported from one country in its own vessels to any foreign country may, in like manner, be exported or re-exported in the vessels of the other country; and the same bounties, duties, and drawbacks shall be allowed and collected, whether such exportation or re-exportation be made in vessels of the United States or of the Republic of Salvador.

V. No higher or other duties shall be imposed on the importation into the United States of any articles the produce or manufactures of the Republic of Salvador, and no higher or other duties shall be imposed on the importation into the Republic of Salvador of any article the produce or manufactures of the United States, than are or shall be payable on the like articles, being the produce or manufactures of any foreign country; nor shall any higher or other duties or charges be imposed in either of the two countries on the exportation of any articles to the United States, or to the Republic of Salvador, respectively, than such as are payable on the exportation of the like articles to any other foreign country; nor shall any prohibition be imposed on the exportation or importation of any articles the produce or manufactures of the United States, or of the Republic of Salvador, to or from the territories of the United States, or to or from the territories of the Republic of Salvador, which shall not equally extend to all other nations.

VI. In order to prevent the possibility of any misunderstanding, it is hereby declared that the stipulations contained in the three preceding Articles are to their full extent applicable to the vessels of the United States and their cargoes arriving in the ports of Salvador, and reciprocally to the vessels of the said Republic of Salvador and their cargoes arriving in the ports of the United States, whether they proceed from the ports of the country to which they respectively belong or from the ports of any other foreign country; and, in either case, no discriminating duty shall be imposed or collected in the ports of either country on said vessels or their cargoes, whether the same shall be of native or foreign produce or manufacture.

VII. It is likewise agreed that it shall be wholly free for all merchants, commanders of ships, and other citizens of both countries, to manage, by themselves or agents, their own business in all



the ports and places subject to the jurisdiction of each other, as well with respect to the consignments and sale of their goods and merchandize, by wholesale or retail, as with respect to the loading, unloading, and sending off their ships; they being in all these cases to be treated as citizens of the country in which they reside, or at least to be placed on an equality with the subjects or citizens of the most favoured nation.

VIII. The citizens of neither of the Contracting Parties shall be liable to any embargo, nor be detained with their vessels, cargoes, merchandize, or effects, for any military expedition, nor for any public or private purpose whatever, without allowing to those interested an equitable and sufficient indemnification.

IX. Whenever the citizens of either of the Contracting Parties shall be forced to seek refuge or asylum in the rivers, bays, ports, or dominions of the other with their vessels, whether merchant or war, public or private, through stress of weather, pursuit of pirates or enemies, or want of provisions or water, they shall be received and treated with humanity, giving to them all favour and protection for repairing their ships, procuring provisions, and placing themselves in a situation to continue their voyage without obstacle or hindrance of any kind.

X. All the ships, merchandize, and effects belonging to the citizens of one of the Contracting Parties which may be captured by pirates, whether within the limits of its jurisdiction or on the high seas, and may be carried or found in the rivers, roads, bays, ports, or dominions of the other, shall be delivered up to the owners, they proving in due and proper form their rights before the competent tribunals, it being well understood that the claim shall be made within the term of one year by the parties themselves, their attorneys, or agents of their respective Governments.

XI. When any vessels belonging to the citizens of either of the Contracting Parties shall be wrecked or foundered, or shall suffer any damage on the coasts or within the dominions of the other, there shall be given to them all assistance and protection, in the same manner which is usual and customary with the vessels of the nation where the damage happens; permitting them to unload the said vessel, if necessary, of its merchandize and effects, without exacting for it any duty, impost, or contribution whatever, unless they may be destined for consumption or sale in the country of the port where they may have been disembarked.

XII. The citizens of each of the Contracting Parties shall have power to dispose of their personal goods or real estate within the jurisdiction of the other, by sale, donation, testament, or otherwise; and their representatives, being citizens of the other party, shall succeed to their said personal goods or real estate, whether by testa-

ment or *ab intestato*; and they may take possession thereof, either by themselves or others acting for them, and dispose of the same at their will, paying such dues only as the inhabitants of the country wherein said goods are shall be subject to pay in like cases.

XIII. Both Contracting Parties promise and engage formally to give their special protection for the persons and property of the citizens of each other, of all occupations, who may be in the territories subject to the jurisdiction of one or the other, transient or dwelling therein, leaving open and free to them the tribunals of justice for their judicial recourse, on the same terms which are usual and customary with the natives or citizens of the country; for which purpose they may either appear in proper person, or employ in the prosecution or defence of their rights such advocates, solicitors, notaries, agents, and factors as they may judge proper, in all their trials at law; and such citizens or agents shall have free opportunity to be present at the decisions or sentences of the tribunals in all cases which may concern them, and shall enjoy in such cases all the rights and privileges accorded to the native citizen.

XIV. The citizens of the United States residing in the territories of the Republic of Salvador shall enjoy the most perfect and entire security of conscience, without being annoyed, prevented, or disturbed in the proper exercise of their religion in private houses, or in the chapels or places of worship appointed for that purpose, provided that in so doing they observe the decorum due to divine worship and the respect due to the laws, usages, and customs of the country. Liberty shall also be granted to bury the citizens of the United States who may die in the territories of the Republic of Salvador, in convenient and adequate places to be appointed and established for that purpose, with the knowledge of the local authorities, or in such other places of sepulture as may be chosen by the friends of the deceased; nor shall the funerals or sepulchres of the dead be disturbed in any wise or upon any account. In like manner the citizens of Salvador shall enjoy within the Government and territories of the United States a perfect and unrestrained liberty of conscience, and of exercising their religion, publicly or privately, within their own dwelling-houses, or in the chapels and places of worship appointed for that purpose agreeably to the laws, usages, and customs of the United States.

XV. It shall be lawful for the citizens of the United States of America and of the Republic of Salvador to sail with their ships with all manner of liberty and security, no distinction being made who are the proprietors of the merchandize laden thereon, from any port to the places of those who now are or shall be at enmity with either of the Contracting Parties. It shall likewise be lawful for the citizens aforesaid to sail with the ships and merchandize before men-

tioned, and to trade with the same liberty and security from the places, ports, and havens of those who are the enemies of both or either party, without any opposition or disturbance whatsoever, not only from the places of the enemy before mentioned to neutral places, but also from one place belonging to an enemy, whether they be under the jurisdiction of one Power or under several. And it is hereby stipulated that free ships shall also give freedom to goods, and that everything which shall be found on board the ships belonging to the citizens of either of the Contracting Parties shall be deemed to be free and exempt, although the whole lading, or any part thereof, should appertain to the enemies of either (contraband goods being always excepted).

It is also agreed, in like manner, that the same liberty shall be extended to persons who are on board a free ship, with this effect: that, although they be enemies to both or either party, they are not to be taken out of that free ship, unless they are officers and soldiers and in the actual service of the enemies; provided, however, and it is hereby agreed, that the stipulations in this Article contained, declaring that the flag shall cover the property, shall be understood as applying to those Powers only who recognize this principle; but if either of the two Contracting Parties shall be at war with a third, and the other remains neutral, the flag of the neutral shall cover the property of enemies whose Governments acknowledge this principle, and not of others.

XVI. It is likewise agreed that in the case where the neutral flag of one of the Contracting Parties shall protect the property of one of the enemies of the other by virtue of the above stipulation, it shall always be understood that the neutral property found on board such enemy's vessels shall be held and considered as enemy's property, and as such shall be liable to detention and confiscation, except such property as was put on board such vessel before the declaration of war, or even afterwards if it were done without the knowledge of it; but the Contracting Parties agree that, two months having elapsed after the declaration of war, their citizens shall not plead ignorance thereof. On the contrary, if the flag of the neutral does not protect the enemy's property, in that case the goods and merchandize of the neutral embarked on such enemy's ships shall be free.

XVII. This liberty of navigation and commerce shall extend to all kinds of merchandize, excepting those only which are distinguished by the name of contraband; and under this name of contraband or prohibited goods shall be comprehended:—

1. Cannons, mortars, howitzers, swivels, blunderbusses, muskets, rifles, carbines, pistols, pikes, swords, sabres, lances, spears, halberts, hand-grenades, bombs, powder, matches, balls, and all other things belonging to the use of these arms.

2. Bucklers, helmets, breast-plates, coats of mail, infantry-belts, and clothes made up in the form and for the military use.

3. Cavalry-belts and horses with their furniture.

4. And generally all kinds of arms, and instruments of iron, steel, brass, and copper, or of any other materials manufactured, prepared, and formed expressly to make war by sea or land.

5. Provisions that are imported into a besieged or blockaded place.

XVIII. All other merchandize and things not comprehended in the articles of contraband explicitly enumerated and classified as above shall be held and considered as free, and subjects of free and lawful commerce, so that they may be carried and transported in the freest manner by the citizens of both the Contracting Parties, even to places belonging to an enemy, excepting those places only which are, at that time, besieged or blockaded; and to avoid all doubt in this particular, it is declared that those places only are besieged or blockaded which are actually attacked by a belligerent force capable of preventing the entry of the neutral.

XIX. The articles of contraband before enumerated and classified which may be found in a vessel bound for an enemy's port shall be subject to detention and confiscation, leaving free the rest of the cargo and the ship, that the owners may dispose of them as they see proper. No vessel of either of the two nations shall be detained on the high seas on account of having on board articles of contraband, whenever the master, captain, or supercargo of said vessel will deliver up the articles of contraband to the captor, unless the quantity of such articles be so great and of so large a bulk that they cannot be received on board the capturing ship without great inconvenience; but in this and in all other cases of just detention, the vessel detained shall be sent to the nearest convenient and safe port for trial and judgment according to law.

XX. And whereas it frequently happens that vessels sail for a port or place belonging to an enemy without knowing that the same is besieged or blockaded or invested, it is agreed that every vessel so circumstanced may be turned away from such port or place, but shall not be detained; nor shall any part of her cargo, if not contraband, be confiscated, unless, after warning of such blockade or investment from the commanding officer of the blockading forces, she shall again attempt to enter; but she shall be permitted to go to any other port or place she shall think proper. Nor shall any vessel that may have entered into such port before the same was actually besieged, blockaded, or invested by the other, be restrained from quitting that place with her cargo; nor, if found therein after the reduction and surrender, shall such vessel or her cargo be liable to confiscation, but they shall be restored to the owners thereof.

XXI. In order to prevent all kind of disorder in the visiting

and examination of the ships and cargoes of both the Contracting Parties on the high seas, they have agreed mutually that whenever a national vessel-of-war, public or private, shall meet with a neutral of the other Contracting Party, the first shall remain out of cannon-shot, unless in stress of weather, and may send its boat, with two or three men only, in order to execute the said examination of the papers concerning the ownership and cargo, without causing the least extortion, violence, or ill-treatment, for which the commanders of said armed ships shall be responsible with their persons and property; for which purpose the commanders of private armed vessels shall, before receiving their commissions, give sufficient security to answer for all the damage they may commit. And it is expressly agreed that the neutral party shall in no case be required to go on board the examining vessel for the purpose of exhibiting her papers, or for any other purpose whatever.

XXII. To avoid all kinds of vexation and abuse in the examination of the papers relating to the ownership of the vessels belonging to the citizens of the two Contracting Parties, they have agreed and do hereby agree, that in case one of them should be engaged in war, the ships and vessels belonging to the citizens of the other must be furnished with sea-letters or passports expressing the name, property, and bulk of the ship, as also the name and place of habitation of the master and commander of the said vessel, in order that it may thereby appear that the ship really and truly belongs to the citizens of one of the Parties. They have likewise agreed that when such ships have a cargo, they shall also be provided, besides the said sea-letters or passports, with certificates containing the several particulars of the cargo and the place whence the ship sailed, so that it may be known whether any forbidden or contraband goods are on board the same, which certificates shall be made out by the officers of the place whence the ship sailed in the accustomed form; without which requisites said vessel may be detained to be adjudged by the competent tribunal, and may be declared lawful prize, unless the said defect shall be proved to be owing to accident, and shall be satisfied or supplied by testimony entirely equivalent.

XXIII. It is further agreed that the stipulations above expressed, relative to the visiting and examination of vessels, shall apply only to those which sail without convoy; and when said vessels shall be under convoy, the verbal declaration of the commander of the convoy, on his word of honour, that the vessels under his protection belong to the nation whose flag he carries, and, when they may be bound to an enemy's port, that they have no contraband goods on board, shall be sufficient.

XXIV. It is further agreed that in all cases the established courts of prize-causes in the country to which the prizes may be

conducted shall alone take cognizance of them. And whenever such tribunals of either Party shall pronounce judgment against any vessel or goods or property claimed by the citizens of the other Party, the sentence or decree shall mention the reasons or motives upon which the same shall have been founded; and an authenticated copy of the sentence or decree, and of all the proceedings in the case, shall, if demanded, be delivered to the commander or agent of said vessel without any delay, he paying the legal fees for the same.

XXV. For the purpose of lessening the evils of war, the two High Contracting Parties further agree that, in case a war should unfortunately take place between them, hostilities shall only be carried on by persons duly commissioned by the Government, and by those under their orders, except in repelling an attack or invasion, and in the defence of property.

XXVI. Whenever one of the Contracting Parties shall be engaged in a war with another State, no citizens of the other Contracting Party shall accept a commission or letter of marque for the purpose of assisting or co-operating hostilely with the said enemy against the said Parties so at war, under the pain of being treated as a pirate.

XXVII. For the better security of commerce between the citizens of the United States and the citizens of Salvador, it is agreed that if, at any time, any interruption of friendly intercourse, or any rupture, should unfortunately take place between the two High Contracting Parties, the citizens of either, who may be within the territories of the other, shall, if residing on the coast, be allowed six months, and if in the interior a whole year, to wind up their accounts and dispose of their property: and a safe-conduct shall be given to them to embark at any port they themselves may select. Even in case of rupture, all such citizens of either of the High Contracting Parties who are established in any of the territories of the other in trade or other employment shall have the privilege of remaining and of continuing such trade or employment, without any manner of interruption, in full enjoyment of liberty and prosperity, so long as they behave peacefully and commit no offence against the laws; and their goods and effects of whatever description they may be, whether in their own custody or entrusted to individuals or to the State, shall not be liable to seizure or sequestration, nor to any other charges or demands than those which may be made upon the like effects or property belonging to the native citizens of the country in which such citizens may reside. In the same case debts between individuals, property in public funds, and shares of companies and property of whatever description, shall never be confiscated nor detained nor sequestered.

XXVIII. In whatever relates to the police of the ports, the

lading and unloading of ships, the safety of merchandize, goods, and effects, the succession to personal estates by will or otherwise, and the disposal of personal property of every sort and denomination by sale, donation, exchange, testament, or any other manner whatsoever, as also the administration of justice, the citizens of the two High Contracting Parties shall reciprocally enjoy the same privileges, liberties, and rights as native citizens; and they shall not be charged in any of these respects with any higher imposts or duties than those which are or may be paid by native citizens, submitting, of course, to the local laws and regulations of each country respectively.

The foregoing provisions shall be applicable to real estate situated within the States of the American Union, or within the Republic of Salvador, in which foreigners shall be entitled to hold or inherit real estate; but in case real estate situated within the territories of one of the Contracting Parties should fall to a citizen of the other Party, who, on account of his being an alien, could not be permitted to hold such property in the State in which it may be situated, there shall be accorded to the said heir or other successor such time as the laws of the State will permit to sell such property. He shall be at liberty, at all times, to withdraw and export the proceeds thereof without difficulty, and without paying to the Government any other charges than those which would be paid by an inhabitant of the country in which the real estate may be situated.

If any citizen of the two High Contracting Parties shall die without a will or testament in any of the territories of the other, the Minister or Consul of the nation to which the deceased belonged (or the representative of such Minister or Consul, in case of absence) shall have the right to nominate curators to take charge of the property of the deceased, so far as the laws of the country will permit, for the benefit of the lawful heirs and creditors of the deceased, giving proper notice of such nomination to the authorities of the country.

XXIX. 1. The citizens of the United States residing in Salvador, or the citizens of Salvador residing in the United States, may intermarry with the natives of the country, hold and possess by purchase, marriage, or descent, any estate, real or personal, without thereby changing their national character; subject to the laws which now exist or may be enacted in this respect.

2. When the citizens of the United States residing in Salvador, or the citizens of Salvador residing in the United States, marry natives of the country according to the laws, such marriage shall be considered legal in the other country.

3. The citizens of the United States residents in the Republic of Salvador, and the citizens of Salvador residents in the United States, shall be exempted from all forced or compulsory military service whatsoever by land or sea, from all contributions of war,

military exactions, forced loans in time of war; but they shall be obliged, in the same manner as citizens of each nation, to pay lawful taxes, municipal and other modes of imposts and ordinary charges, loans, and contributions in time of peace (as the citizens of the country are liable) in just proportion to the property owned.

4. Nor shall the property of either, of any kind, be taken for any public object without full and just compensation, to be paid in advance; and

5. The citizens of the two High Contracting Parties shall have the unlimited right to go to any part of the territories of the other, and in all cases enjoy the same security as the natives of the country where they reside, with the condition that they duly observe the laws and ordinances.

XXX. Both the Contracting Parties, being desirous of avoiding all inequality in relation to their public communications and official intercourse, have agreed and do agree to grant to the Envoys, Ministers, and other public Agents, the same favours, immunities, and exemptions which those of the most favoured nations do or shall enjoy; it being understood that whatever favours, immunities, or privileges the United States of America or the Republic of Salvador may find it proper to give to the Ministers and public Agents of any other Power shall, by the same act, be extended to those of each of the Contracting Parties.

XXXI. Each of the two Contracting Republics may maintain in the principal cities or commercial places of the other, and in the ports open to foreign commerce, Consuls of its own, charged with the protection of the commercial rights and interests of their nation, and to sustain their countrymen in the difficulties to which they may be exposed. They may likewise appoint Consuls-General, as chiefs over the other Consuls, or to attend to the affairs of several commercial places at the same time, and Vice-Consuls for ports of minor importance, or to act under the direction of the Consuls. Each Republic may, however, except those cities, places, or ports in which it may consider the residence of such functionaries inconvenient, such exception being common to all nations. All that is said in this Treaty of Consuls in general shall be considered as relating not only to Consuls, properly so called, but to Consuls-General and Vice-Consuls in all the cases to which this Treaty refers.

XXXII. The Consuls appointed by one of the Contracting Parties to reside in the ports or places of the other shall present to the Government of the Republic in which they are to reside their letters-patent or commission, in order that they may receive the proper exequatur, if it be deemed expedient to give it, which shall be granted without any charge; and this exequatur, when obtained, is to be exhibited to the chief authorities of the place in which the



proper functions without difficulty or delay, they shall enjoy the following prerogatives:—

1. The Consular offices and dwellings shall be at all times inviolable. The local authorities shall not, under any pretext, invade them. In no case shall they examine or seize the archives or papers there deposited. In no cases shall those offices or dwellings be used as places of asylum. When, however, a Consular officer is engaged in business, the papers relating to the Consulate shall be kept separate.

2. Consuls, in all that exclusively concerns the exercise of their functions, shall be independent of the State in whose territory they reside.

3. The Consuls and their Chancellors or Secretaries shall be exempt from all public service and from contributions, personal and extraordinary, imposed in the country where they reside, and they shall be exempt from arrest, except in the case of offences which the local legislation qualifies as crimes and punishes as such. This exemption does not comprehend the Consuls or their Chancellors or Secretaries who may be natives of the country in which they reside.

4. No Consular officer who is not a citizen of the country to which he is accredited shall be compelled to appear as a witness before the Courts of the country where he resides. When the testimony of such Consular officer is needed, it shall be asked in writing, or some one shall go to his house to take it *visd voce*. If, however, the testimony of a Consular officer in either country should be necessary for the defence of a person charged with a crime and should not voluntarily be given, compulsory process requiring the presence of such Consular officer as a witness may be issued.

5. In order that the dwellings of Consuls may be easily and generally known for the convenience of those who may have to resort to them, they shall be allowed to hoist on them the flag, and to place over their doors the coat-of-arms of the nation in whose service the Consul may be, with an inscription expressing the functions discharged by him.

XXXVI. Consuls shall not give passports to any individual of their nation, or going to their nation, who may be held to answer before any authority, Court, or Judge of the country for delinquencies committed by him, or for a demand which may have been legally acknowledged, provided that in each case proper notice thereof shall have been given to the Consul.

XXXVII. The United States of America and the Republic of Salvador, desiring to make as durable as possible the relations which are to be established by virtue of this Treaty, have declared solemnly, and do agree to the following points:—

1. This Treaty is concluded for the term of ten years, dating from the exchange of the ratifications; and if one year before the

expiration of that period neither of the Contracting Parties shall have announced, by an official notification, its intention to the other to arrest the operation of said Treaty, it shall continue binding for 12 months longer, and so on, from year to year, until the expiration of the 12 months which will follow a similar declaration, whatever the time at which it may take place.

2. If any one or more of the citizens of either Party shall infringe any of the Articles of this Treaty, such citizen shall be held personally responsible for the same, and the harmony and good correspondence between the nations shall not be interrupted thereby, each Party engaging in no way to protect the offender or sanction such violation.

3. If, unfortunately, any of the Articles contained in this Treaty should be violated or infringed in any way whatever, it is expressly stipulated that neither of the two Contracting Parties shall ordain or authorize any acts of reprisal, nor shall declare war against the other, on complaints of injuries or damages, until the said Party considering itself offended shall have laid before the other a statement of such injuries or damages, verified by competent proofs, demanding justice and satisfaction, and the same shall have been denied, in violation of the laws and of national right.

XXXVIII. The Treaty between the United States of America and the Republic of Salvador of the 2nd day of January, 1850,\* is hereby abrogated, and the stipulations of the preceding Treaty are substituted therefor.

XXXIX. This Treaty shall be submitted on both sides to the approval and ratification of the respective competent authorities of each of the Contracting Parties, and the ratifications shall be exchanged at Washington, within the space of 12 months.

In faith whereof the respective Plenipotentiaries have signed the foregoing Articles in the English and Spanish languages, and they have hereunto affixed their seals.

Done in duplicate, at the city of San Salvador, this 6th day of December, in the year of our Lord 1870.

(L.S.) ALFRFD T. A. TORBERT.

(L.S.) GREGO. ARBIZU.

*DISCOURS du Roi des Pays-Bas, à l'Ouverture des États-Généraux.—La Haye, le 16 Septembre, 1876.*

(Traduction.)

MESSIEURS,

Me rendant au milieu de vous à l'occasion de l'ouverture de cette session, je suis pénétré d'un sentiment de sincère reconnaissance en

La révision de la loi électorale est nécessaire. Un projet de loi sur l'enseignement primaire vous sera soumis prochainement.

Je recommande à votre attention les projets de loi réglant l'exploitation de chemins de fer et les mesures de quarantaine.

L'intérêt du commerce réclame un règlement ultérieur du système monétaire non moins pour les Colonies que pour la mère-patrie.

Votre concours sera invoqué pour les projets déjà présentés et ceux qui le seront encore dans le but d'améliorer des lois fiscales.

Daigne le Tout-Puissant bénir nos communs travaux !

Je déclare ouverte la Session des États-Généraux.

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### *RÈGLEMENTS concernant la Chambre des Députés de l'Égypte.—Novembre, 1866.*

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#### (1.)

ART. 1. L'Assemblée aura pour mission de délibérer sur les intérêts intérieurs du pays ; elle aura aussi à délibérer sur les projets que le Gouvernement croira être de ses attributions, et elle donnera son avis, qui sera soumis à l'approbation de Son Altesse le Vice-Roi

2. Tout homme âgé de 25 ans (et plus) sera éligible, à condition qu'il soit loyal, honnête et compté parmi ceux qui sont reconnus par le Gouvernement comme indigènes, enfants de la patrie, et sujets locaux.

3. Sera exclu du droit de l'éligibilité tout homme dont les biens se trouvent être séquestrés, par décret, pour cause de faillite, à moins d'une réhabilitation complète ; tout homme sans moyen d'existence ou ayant déjà reçu de secours un an avant l'élection, ou ayant subi des peines infamantes, ou bien encore renvoyé du service d'après une sentence, ne pourra pas non plus être élu.

4. Les électeurs devront être des personnes dont les biens n'auront pas été séquestrés pour cause de faillite, qui auront été réhabilitées après avoir été déclarées en état de faillite, qui n'auront pas subi des peines infamantes, qui n'auront pas été renvoyées du service d'après une sentence, et qui enfin ne se trouveront pas être en activité de service militaire.

5. Tous ceux qui servent le Gouvernement, tant les notables et les principaux des villages que ceux qui sont employés chez d'autres en général, ne peuvent être élus ; il en est de même pour tous ceux qui servent dans les rangs de l'armée, soit dans le service actif soit dans la réserve : mais les employés congédiés du service du Gouvernement sans motif criminel, ainsi que les militaires dont le terme fixé dans la réserve est expiré, pourront être élus, s'ils possèdent toutefois les conditions dont il est fait mention plus haut.

14. Après la vérification de l'état et des conditions des membres par la Commission et qu'on aura trouvé que les membres réunissent toutes les conditions établies dans les précédents Articles, la Commission spéciale en fera son rapport au Président, qui, de son côté, le soumettra à Son Altesse afin qu'il soit délivré à chacun de ces membres une patente constatant sa qualité de représentant pour trois ans.

15. Toutes les Assemblées de cette catégorie ayant leurs limites de pouvoirs et leurs règlements, il est évident que ces limites de pouvoirs et règlements seront remis à l'Assemblée dont il s'agit.

16. L'Assemblée siégera cette année-ci depuis le 10 du mois Hatour (18 Novembre, 1866) jusqu'au 10 du mois Touba (17 Janvier, 1867); mais dans les années suivantes elle siégera depuis le 15 Kiahk (23 Décembre) jusqu'au 15 Amchir (21 Février).

17. Le Vice-Roi convoque, ajourne, proroge, et dissout l'Assemblée. En cas de dissolution, le Vice-Roi doit convoquer une nouvelle dans le délai fixé par Son Altesse.

18. Les membres ne pourront recevoir aucune pétition.

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(2.)\*

ART. 1. La Chambre des Députés siégera au Caire.

2. La Chambre des Députés aura à discuter tout ce qui a trait à l'administration intérieure du pays, et toutes les mesures que le Gouvernement considérera comme rentrant dans les attributions de la Chambre.

Elle donnera son avis conformément à ce qui a été dit à l'Article 1<sup>er</sup> du Règlement précédent. Toutes les questions relatives à l'administration du pays qui auront été discutées par la Chambre seront soumises au Conseil Privé, et seront ensuite examinées par les Bureaux et les Commissions dépendants de la Chambre. Toutes les questions qui sont soumises à la Chambre par le Gouvernement, ainsi qu'il est dit aux Articles 16, 17, 18, 19, 20, 21, 22, et 23 du présent Règlement, seront examinées par elle, et après discussion, et que chacun aura donné son avis, elles seront soumises à Son Altesse le Khédive.

3. Le Président et le Vice-Président de la Chambre seront nommés par Son Altesse le Khédive.

4. L'ouverture de la Chambre sera faite par Son Altesse le Khédive ou par un Délégué désigné par Son Altesse. On lira un discours d'ouverture. Si l'ouverture est faite par Son Altesse elle lira elle-même ou le fera lire par une personne qu'elle désignera à cet effet. Si la Session est ouverte par le représentant du Khédive,

\* Laid before Parliament with "Correspondence respecting the Affairs of Egypt," in 1882.

le discours devra être lu au nom de Son Altesse ou de son représentant.

5. Après l'ouverture de la Chambre et la lecture du discours chaque membre aura le droit de présenter sa réponse dans un délai de deux jours. Cette réponse ne sera qu'une formalité, et ne tranchera aucune des questions soumises à la Chambre.

6. Si le discours est lu au nom de Son Altesse, l'adresse en réponse à ce discours sera préparée par la Chambre et remise à Son Altesse par le Président, accompagné de deux membres de chaque Bureau en uniforme, et désignés par les Députés.

7. Attendu qu'aux Articles 2, 3, et 5 du Règlement précédent on a énuméré les qualités que chaque membre doit posséder, si les électeurs nommaient des Députés ne remplissant par les conditions exigées par l'Article 13 du Règlement précédent, la Moudirieh devra en référer à l'Inspecteur-Général, et ce dernier transmettra au Président de la Chambre un état donnant tous les renseignements concernant les Députés ainsi élus.

8. Après lecture du discours déclarant la Session ouverte, les Députés se diviseront de manière à former cinq Bureaux, et chacun de ces Bureaux sera présidé par un chef. Les membres de ces Bureaux ainsi que leurs chefs respectifs seront élus par les Députés eux-mêmes, et auront le droit de vérifier les pouvoirs de chaque Député, conformément à l'Article 13 du Règlement précédent. Chacun de ces Bureaux vérifiera les pouvoirs des Députés appartenant à un autre Bureau, et présentera son Rapport au Président de la Chambre, afin de le soumettre à Son Altesse le Khédivé, comme il a été dit à l'Article 14 du Règlement précédent.

9. Toutefois le Président est tenu de soumettre à Son Altesse les noms des Députés dont l'élection aura été validée sans attendre le résultat des décisions relatives aux élections non encore validées, à condition que le nombre des Députés dont l'élection aura été validée sera suffisant pour permettre de réunir la Chambre, ainsi qu'il est dit à l'Article 11 du précédent Règlement.

10. On inscrira dans un registre *ad hoc*, avec leur date et sous numéro d'ordre en les résumant, toutes les affaires soumises à la Chambre. On portera dans la colonne "d'Observations" les mesures à adopter.

11. Le Délégué qui sera désigné pour discuter une quelconque des mesures proposées par le Gouvernement aura le droit de parler sans être obligé d'attendre le tour de cette mesure.

12. La Chambre aura la faculté d'infliger des punitions à tous les membres qui s'absenteront sans motif valable. Chacun des chefs des différents Bureaux aura soin de remettre chaque matin au Président une note des membres présents et absents.

13. Si le nombre des membres présents à une séance est infé-

propositions gouvernementales trouverait des observations à faire, elles devront être présentées au Président, qui se chargera de les communiquer au Gouvernement avant d'en donner lecture à la Chambre.

24. À l'ouverture de chaque séance les membres émettront leur avis sur les questions qui devront être discutées par eux par ordre de roulement, comme il a été dit à l'Article 15 de ce Règlement, c'est-à-dire, avant de leur soumettre les questions pour être discutées, ils décideront préalablement si ces questions doivent être discutées ou non.

25. Toutes les questions concernant l'administration intérieure du pays ne seront discutées qu'après avoir pris l'avis des membres pour savoir si ces questions doivent être discutées à l'ouverture de la séance, ou être ajournées.

26. Si toutefois deux ou plusieurs membres demanderaient à parler à la fois on procédera au tirage au sort entre eux en présence du Président.

27. Il est défendu de discuter deux questions à la fois, mais l'une après l'autre.

28. Aucun membre ne prendra la parole avant que son collègue n'ait fini de parler.

29. Il ne sera permis à aucun des membres de parler sur une même question plus d'une fois, sauf sur la demande d'un autre membre désirant de plus amples renseignements, ou faire répéter l'opinion déjà émise. Les membres composant les Commissions dépendant de la Chambre des Députés auront néanmoins la liberté de parler au sein de la Commission quand ils le voudront.

30. Il ne sera permis à aucun membre de parler sans la permission du Président, ni de quitter sa place.

31. Le Président aura la liberté de parler quand il voudra, et on devra l'écouter.

32. Les membres voteront au scrutin, et à la majorité des voix.

33. L'urne renfermant les bulletins de vote ne sera ouverte que par le Secrétaire de la Chambre.

34. Le vote ne sera définitivement approuvé qu'en présence d'un nombre suffisant de Délégués, conformément à l'Article 11 du Règlement précédent.

35. La Chambre devra respecter les opinions de la minorité et écouter ses observations.

36. L'opinion de la minorité une fois donnée sur une question quelconque, le Président est tenu d'inviter les autres membres de la Chambre à émettre également leur avis.

37. Le Président remplira ses fonctions en personne ; il devra inviter les membres à émettre leur avis et il n'aura droit de vote qu'autant que le nombre des voix serait également partagé ; dans le

cas contraire il n'aura ni le droit de voter, ni celui d'intervenir dans les discussions.

38. Toutes les questions qui auront été tranchées par le Chambre seront enregistrées dans un registre *ad hoc* signé par le Président et par les membres. Une copie authentique, signée du Président et du Secrétaire, sera transmise à Son Altesse le Khédive.

39. L'horaire des séances sera fixé par le Président, d'accord avec les Députés.

40. Les Députés doivent se présenter à la Chambre dans une tenue convenable, ainsi que d'observer les règles de la politesse.

41. Il ne sera permis à aucun Député de s'absenter sans permission écrite du Président, qui devra prendre l'avis de la Chambre, sauf dans le cas d'urgence, où il pourra accorder le congé à la condition d'en informer les Députés.

42. Les procès-verbaux des questions traitées par la Chambre mentionneront les noms des Députés qui auront pris la parole sur ces questions, et relateront sommairement l'avis émis par chacun d'eux.

43. Les procès-verbaux seront copiés dans un registre spécial, et le Secrétaire donnera lecture à l'ouverture de chaque séance du procès-verbal de la séance précédente. Ce registre devra être signé chaque jour par le Président.

44. Les ordres donnés par Son Altesse le Khédive concernant les dispositions mentionnées à l'Article 17 du Règlement précédent seront lus à la Chambre et mis immédiatement à exécution.

45. Le Président aura seul le droit, dans le cas où un membre aurait commis quelque infraction au Règlement, de le rappeler à l'ordre.

46. Si le Député qui a pris la parole sur une question parlait en même temps d'une autre affaire, le Président sera tenu de l'inviter à se renfermer dans la question primitive. Le Président ne devra pas permettre qu'on lui adresse des observations lorsqu'il invitera un Député à se renfermer dans la question.

47. Si un Député est rappelé à l'ordre pour être sorti de la question en discussion, la parole ne lui sera de nouveau accordée qu'après qu'il aura fait des excuses.

48. Si un Député, qui ne s'est pas renfermé dans la question en discussion, a reçu deux avertissements du Président, ce dernier sera tenu de demander à la Chambre de lui retirer le droit de parler sur cette question à la prochaine séance. La Chambre devra se prononcer à la majorité des voix.

49. Si un membre, ayant reçu deux avertissements du Président, essayait de parler encore une troisième fois sur la même affaire, le Président devra demander aux Députés de lui retirer la parole. La Chambre se prononcera à la majorité des voix.

60. Il ne sera permis à personne sauf aux individus chargés de messages de la part du Gouvernement, ou à ceux désignés par Son Altesse le Khédive, de pénétrer dans la salle des séances. Les personnes autorisées seront munies d'une carte d'entrée délivrée par le Président.

61. Attendu que les Articles 2, 3, 4, et 5 du précédent Règlement énumèrent les qualités que chaque Député ou électeur devra posséder, les Députés, lors de la septième élection (voir Article 9 du précédent Règlement), seront tenus de savoir lire et écrire, à la onzième les électeurs devront aussi savoir lire et écrire.

Imprimé à Boulaq le 21 Redgeb, 1283 (20 Novembre, 1866).

*EGYPTIAN DECREE, establishing a "Caisse" for the Service of the Public Debt.—Cairo, May 2, 1876.*

Nous, Khédive d'Égypte,

Voulant prendre des mesures définitives et opportunes pour obtenir l'unification des diverses dettes de l'État et de celles de la Daïra Sanieh, ainsi que la réduction des charges excessives résultant de ces dettes ;

Et voulant donner un témoignage solennel de notre ferme intention d'assurer toute garantie aux intérêts engagés :

Avons résolu d'instituer une Caisse spéciale chargée du service régulier de la Dette Publique, et de nommer à sa direction des Commissaires étrangers, lesquels ont été sur notre demande indiqués par les Gouvernements respectifs comme fonctionnaires aptes à remplir le poste auquel ils seront nommés par nous en qualité de fonctionnaires Égyptiens dans les conditions suivantes :—

ART. 1. Il est institué une Caisse de la Dette Publique chargée de recevoir les fonds nécessaires au service des intérêts et de l'amortissement de la dette, et de les destiner exclusivement à cet objet.

2. Les fonctionnaires, les Caisses locales, ou les administrations spéciales qui, après avoir recouvré, reçu, ou concentré les revenus spécialement affectés au paiement de la dette, sont ou seront à l'avenir chargés de les verser au Trésor Central ou de les tenir à la disposition des ordonnateurs des dépenses de l'État, sont par effet du présent Décret obligés d'en faire le versement pour compte du Trésor de l'État à la Caisse spéciale de la Dette Publique, qui sera à cet égard considéré comme une Caisse spéciale du Trésor.

Ces fonctionnaires, Caisses, et Administrations ne pourront être valablement déchargés que par les quittances qui leur seront délivrées



par la dite Caisse de la Dette Publique. Tout autre ordre ou quittance sera sans effet.

Ces mêmes fonctionnaires, Caisses, ou Administrations enverront mensuellement au Ministre des Finances un tableau contenant les recettes ou recouvrements faits par eux directement ou versés par les percepteurs des revenus spécialement affectés à la dette, et les versements faits à la Caisse spéciale de la Dette Publique.

Le Ministre des Finances communiquera ces tableaux à la Direction de la Caisse.

La Caisse de la Dette Publique recevra de la Daïra Sanieh la somme intégrale nécessaire au service des intérêts et de l'amortissement du montant de ses dettes unifiées.

Elle recevra également les fonds de l'annuité due au Gouvernement Anglais, et représentant l'intérêt sur les actions du Canal de Suez.

3. Si les versements des revenus affectés à la dette sont insuffisants pour payer le semestre, la Caisse spéciale de la Dette Publique demandera au Trésor par le moyen du Ministre des Finances la somme nécessaire pour compléter le paiement de la sémiestrialité, le Trésor devra lui verser cette somme 15 jours avant l'échéance.

Si les fonds encaissés laissent un excédant sur le paiement des intérêts et de l'amortissement, la Caisse spéciale de la Dette Publique versera, cet excédant, à la fin de chaque année, à la Caisse générale du Trésor.

La Caisse de la Dette Publique présentera ses comptes, qui seront examinés et jugés comme de droit.

4. Les actions qu'au nom et dans l'intérêt des créanciers, en grande partie étrangers, la Caisse et pour elle ses directeurs croiront avoir à exercer contre l'administration financière, représentée par le Ministre des Finances, pour ce qui concerne la tutelle des garanties de la dette que nous avons confiée à la direction de la dite Caisse, seront portées dans les termes de leur juridiction devant les nouveaux tribunaux qui, suivant l'accord établi avec les Puissances, ont été institués en Égypte.

5. Les Commissaires désignés, comme il est dit plus haut, auront la direction de la Caisse spéciale de la Dette Publique.

Ils seront nommés par nous pour cinq ans et siégeant au Caire.

Leurs fonctions pourront être continuées à l'expiration des cinq ans, et en cas de décès ou de démission de l'un d'eux, la nomination nouvelle sera faite par nous dans la forme des nominations primitives. Ils pourront confier à l'un d'eux les fonctions de Président, lequel en donnera avis au Ministre des Finances.

6. Les frais de change, d'assurance, et de transport d'espèces à l'étranger, ainsi que commissions pour paiement des coupons, seront à la charge du Gouvernement.

de 65,497,680*l.* sterling, laquelle se trouve aujourd'hui réduite à 54,793,150*l.* sterling par effet des titres amortis jusqu'à ce jour ;

Considérant qu'à cette dette, contractée par des emprunts avec amortissement, vient s'ajouter la dette flottante contractée, tant par le Gouvernement que par la Daïra, pour combler le déficit résultant du défaut d'exécution intégrale du contrat relatif à l'emprunt 1873, non compris la prévision contenue dans le dit contrat, Article 19, pour l'achèvement des travaux publics déjà en cours d'exécution, ainsi que pour faire face aux dépenses occasionnées par des cas de force majeure et par des calamités publiques ;

Considérant que cette dette a été en grande partie contractée par voie d'opérations de crédit qui, s'étant imposées au Gouvernement en temps de crise ou en d'autres circonstances exceptionnelles et urgentes, ont été conclues à des taux onéreux pour le Trésor de l'État ;

Considérant que pour rendre possible au Trésor et à la Daïra Sanieh de satisfaire ces différentes dettes et pour mieux assurer dans l'avenir les intérêts des créanciers moyennant une mesure conforme aux exigences communes, il a été reconnu opportun et utile d'unifier toutes ces dettes en constituant une dette générale portant intérêt à 7 pour cent et remboursable en 65 ans ;

Considérant que vu le taux d'émission des divers emprunts avec amortissement, les titres relatifs à ces emprunts venant à être unifiés au pair de leur valeur nominale, profitent d'une bonification dont il est juste d'étendre le bénéfice aux porteurs des obligations de la dette flottante de l'État et de la Daïra Sanieh, dans une proportion qui établisse autant que possible l'égalité entre tous les créanciers ; qu'il est équitable aussi d'accorder aux porteurs des titres des emprunts de 1864, 1865, et 1867, dont les dernières échéances sont prochaines, une compensation au prolongement plus sensible pour eux du délai d'amortissement ;

Considérant que l'annuité nécessaire au service de la dette générale unifiée, s'élevant à 91,000,000*l.* sterling, sera de 6,443,600*l.* sterling ; mais que pour déterminer la charge qui grèvera effectivement le budget ordinaire de l'État, il faut en déduire la somme de 684,411*l.* sterling, contribution de la Daïra Sanieh proportionnelle à l'importance de ses dettes unifiées avec celles de l'État ; qu'ainsi l'annuité à la charge de l'État est de 5,759,189*l.* sterling ;

Considérant que l'unification et la consolidation des dettes de l'État en une seule dette générale rendent inopportune la continuation du paiement de la Moukabala, par laquelle le Gouvernement se proposait de concourir à l'extinction de la dette flottante moyennant l'anticipation de six annuités de l'impôt foncier ;

Considérant que par effet de cette anticipation un des plus importants revenus de l'État se trouverait après quelques années

considérablement réduit, tandis que dans l'intérêt du Gouvernement et des créanciers de l'État ce qu'il faut, c'est que le revenu du Trésor soit assuré de manière à satisfaire aux intérêts et à l'amortissement de la dette publique, ainsi qu'aux dépenses budgétaires ;

Considérant que par ces motifs notre Conseil Privé nous a proposé et nous avons approuvé d'arrêter l'opération de la Moukabala en accordant à ceux qui ont fait des anticipations les droits et privilèges qui leur auraient été définitivement acquis sur la propriété seulement après paiement intégral de la Moukabala et en prenant des mesures équitables soit pour la restitution de ces anticipations, soit pour une réduction proportionnelle d'impôts ; ce qui aura pour résultat d'éviter une réduction considérable dans un des principaux revenus de l'État ;

Considérant d'ailleurs que pour la garantie des créanciers il était nécessaire de créer une Caisse spéciale chargée de recevoir le montant des revenus affectés à la dette et d'en faire le service :

Notre Conseil Privé entendu, avons décrété et décrétons :—

**ART. 1.** Toutes les dettes de l'État et celles de la Daïra Sanieh résultant des emprunts contractés en 1862, 1864, 1868, 1873, 1865, 1867, et 1870, la dette flottante de l'État et la dette flottante de la Daïra Sanieh, comprenant les bons du Trésor et tous autres titres ou obligations, sont unifiés en une dette générale dont les titres porteront 7 pour cent d'intérêt sur le capital nominal et seront amortissables en 65 ans par tirages semestriels.

L'unification est faite au pair du taux nominal des titres des anciens emprunts pour les emprunts 1862, 1868, 1870, et 1873.

Les titres de la dette générale seront délivrés à 95 pour cent de leur capital nominal aux porteurs des titres des emprunts 7 pour cent 1864, 1865, et 9 pour cent 1867. Pour ce dernier emprunt, la différence du taux de l'intérêt sera capitalisée en titres au profit des porteurs. À 80 pour cent de leur capital nominal aux porteurs des titres des dettes flottantes de l'État et de la Daïra Sanieh sous forme de bons du Trésor et autres titres ou obligations qui les constituent.

Par effet de cette opération, la dette générale unifiée sera de 91,000,000*l.* sterling en valeur nominale, jouissance du 1<sup>er</sup> Juillet, 1876.

2. La dette emprunt et la dette flottante de la Daïra Sanieh s'unifiant avec celle de l'État, sous les mêmes restrictions et garanties, la Daïra Sanieh est tenue de verser annuellement à la Caisse de la Dette Publique la somme de 684,411*l.* sterling représentant sa part proportionnelle dans l'annuité totale nécessaire au service de la dette pour intérêts et amortissement.

3. Les revenus affectés spécialement au service de la dette générale sont :—

**EGYPTIAN DECREE, instituting a Supreme Council of the Treasury.—Cairo, May 11, 1876.**

Nous, Khédive d'Égypte, notre Conseil Privé entendu, avons décrété et décrétons :

**TITRE I.—Institution du Conseil Suprême du Trésor et ses Attributions.**

Art. 1. Il est institué un Conseil Suprême du Trésor,\*

Ce Conseil sera divisé en trois sections.

La première aura la dénomination d'Inspection Générale des Revenus et des Caisses de l'État.

La seconde celle de Section de Surveillance des Recettes et des Dépenses.

La troisième celle de Section pour le Jugement des Comptes.

Les trois sections fonctionneront séparément ou réunies suivant les cas et les modes prévus par le présent Décret.

2. La première section sera chargée de l'inspection de la Trésorerie centrale et de la surveillance de sa comptabilité.

Cette inspection et cette surveillance s'étendront à toute autre caisse qu'on pourra établir pour quelque service spécial.

La section, ou celui de ses membres qui sera délégué par elle, aura la faculté de prendre en tout temps connaissance de l'état de ces caisses et d'en vérifier les écritures.

Les rapports des Inspecteurs chargés par le Ministre des Finances de l'inspection des autres caisses et des caisses de perception seront communiqués par lui au Conseil Suprême.

Cette section surveillera l'exacte rentrée de tous les revenus et l'exécution rigoureuse de leur emploi.

Tout abus ou irrégularité sera par eux dénoncé au Conseil Suprême et poursuivi devant la seconde section contre les agents responsables, dans les termes des Articles suivants.

L'Inspecteur délégué par la section ne pourra prendre que des résolutions provisoires; il faut une délibération de la section pour les rendre définitives.

3. La seconde section seule ou réunie conformément aux dispositions suivantes :

(A.) Fera l'examen préalable de tous les engagements qui auront pour effet une dépense à la charge du Budget de l'État, et de tous les ordres ou mandats de paiement ou ouvertures de crédit en faveur des fonctionnaires autorisés à expédier des bons de paiement, jusqu'à la concurrence de la somme mise à leur disposition.

(B.) Vérifiera ces bons de paiement et prononcera sur la respon-

\* Signor Scialoja, Senator of the Kingdom of Italy, was nominated, provisionally, President of the Supreme Council, by Decree dated Cairo, May 14, 1876.

de l'acte soient en règle et que les formalités prescrites aient été remplies, quel que soit le mérite de la dépense.

Dans le cas prévu à la lettre (D) de l'Article précédent, s'il y a désaccord entre les membres de la deuxième section sur la définition de la dépense ou sur la suffisance des fonds pour la payer, la question sera résolue par la première et la deuxième section réunies.

Ces sections réunies délibéreront aussi sur les mandats et ordres de paiement qui arriveraient aux caisses dépourvus de l'enregistrement auprès du Conseil du Trésor.

5. La troisième section jugera et arrêtera les comptes de tous comptables qui seront obligés par les règlements à donner un compte judiciaire.

L'examen des comptes sera fait par les référendaires comptables dont il sera parlé au Titre III.

Le compte général consommptif sera arrêté et les comptes généraux de la Trésorerie seront jugés par la réunion de la troisième et de la première sections.

Les comptables qui se croiront lésés par ces jugements auront le droit de les faire réviser par la réunion de la première et de la deuxième sections.

6. Le Conseil Suprême du Trésor a le droit de demander aux Ministres et aux Chefs des différentes Administrations de l'État toutes les informations et les documents qui se rapportent à l'exercice de ses fonctions.

Il a aussi le devoir de dénoncer au Conseil Privé et aux Ministres, en avisant en même temps le Ministre des Finances, les infractions aux lois et aux règlements relatifs à l'Administration Financière de l'État, et dont il aura pris connaissance en remplissant les attributions qui lui sont confiées.

Il a aussi le mandat de présenter au Conseil Privé par l'intermédiaire du Ministre des Finances, à la fin de chaque année financière, un rapport sur la situation générale du Trésor de l'État, sur la marche générale de la comptabilité de l'État, et sur les réformes utiles qu'on pourrait introduire dans le service comptable et dans l'Administration Financière des dépenses et des recettes.

## TITRE II.—*Formation du Budget de l'État.*

Art. 1. Trois mois avant que la gestion d'une année financière soit arrivée à son terme, le Ministre des Finances arrêtera le Budget de l'année suivante.

Les recettes et les dépenses seront distinctes suivant leur nature, et spécifiées autant que possible.

Le projet du Budget sera soumis au Conseil Suprême du Trésor pour entendre ses avis et les idées qu'il pourra suggérer pour en rendre la rédaction meilleure et plus exacte.

comptes. Deux de ces référendaires, parmi lesquels se trouvera celui qui a examiné le compte, interviendront avec vote dans la section appelée à les juger. Deux de ces référendaires seront étrangers.

5. La nomination des Membres du Conseil et du Secrétaire Général sera faite par Décret de Son Altesse le Khédive. Les conditions de traitement et autres seront fixées par leurs contrats d'engagement respectifs.

6. La destitution, la privation des fonctions, aussi bien que la retraite par autorité d'un membre du Conseil Suprême du Trésor, ne peut être ordonnée que par Décret de Son Altesse le Khédive, rendu sur l'avis conforme de son Conseil Privé.

7. Le Conseil Suprême fera son Règlement pour le service intérieur, pour l'organisation de son Secrétariat Général et de ses différents bureaux, et pour la distribution des affaires.

Fait au Caire, le 11 Mai, 1876.

ISMAIL.

*EGYPTIAN DECREE, appointing Commissioners ("Commissaires-Directeurs") for the "Caisse" of the Public Debt.—Cairo, May 22, 1876.*

#### DÉCRET.

Nous, Khédive d'Égypte, vu notre Décret en date du 2 Mai, 1876,\* relatif à l'institution de la Caisse de la Dette Publique, avons décrété et décrétons :

Sont nommés Commissaires-Directeurs près la Caisse de la Dette Publique, M. de Kremer,† M. de Blignières,‡ et M. Baravelli.§

La Caisse de la Dette Publique commencera son fonctionnement le 10 Juin, 1876.

Fait au Caire, le 22 Mai, 1876.

ISMAIL.

*EGYPTIAN DECREE, respecting Finances (Appointment of Controllers-General, &c.).—Cairo, November 18, 1876.*

Nous, Khédive d'Égypte,  
Considérant que le Décret du 7 Mai, 1876,|| relatif à l'unification

\* Page 1014.

† Aulic Conseiller in the Ministry of Foreign Affairs at Vienna.

‡ Ex-Préfet and ex-Inspector of the Finance.

§ Inspector-General of Italian Finance.

|| Page 1016.

des dettes de l'État et de la Daira nécessite dans son application certaines modifications ;

Considérant le Décret du 2 Mai, 1876,\* instituant la Caisse de la Dette Publique, et, voulant affermir mieux encore les attributions des Commissaires-Directeurs de la dite Caisse ;

Considérant que la suppression de la Loi de la Moukabala soulève des objections unanimes de la part des intéressés, et que la Chambre des Délégués a émis le vœu qu'elle fût maintenue ;

Dans notre ferme désir d'assurer la marche régulière des services publics, tout en sauvegardant les intérêts des créanciers par des garanties plus efficaces,

Notre Conseil Privé entendu, avons décrété et décrétons :—

#### TITRE I.—*Finances.*

ART. 1. Les dettes de la Daira, comme il est indiqué aux Tableaux A et B, insérés dans le présent Décret, sont séparées des dettes de l'État, et ne rentrent pas dans l'unification de la Dette Publique Générale.

Ces dettes feront l'objet d'un arrangement spécial.

2. La Loi de la Moukabala est rétablie, et est considérée comme n'ayant jamais cessé d'être en vigueur. Toutefois les réductions annuelles produites par les effets de la Loi de la Moukabala ne seront appliquées qu'à partir de l'année 1886, et il sera tenu compte aux contribuables jusqu'à la fin de l'année 1885, d'un intérêt de 5 pour cent sur les sommes qui devaient être déduites.

Tous les produits de la Moukabala seront appliqués à l'amortissement des emprunts 1864, 1865, et 1867, et de la Dette Unifiée.

Pour l'emploi des sommes disponibles provenant de la Moukabala, il est fait certaines réserves qui sont consignées à l'Article 6, relatif à l'amortissement.

3. Il est établi une Administration spéciale des chemins de fer et du port d'Alexandrie, qui sera placée sous la direction d'une Commission, comme il sera indiqué ci-après.

Les revenus des chemins de fer et du port d'Alexandrie seront directement appliqués au paiement des intérêts et de l'amortissement d'une série d'obligations privilégiées ayant une hypothèque spéciale sur les chemins de fer et le port d'Alexandrie, pour une somme de 17,000,000*l.* sterling, rapportant 5 pour cent d'intérêts, amortissables en 65 ans, jouissance du 15 Octobre, 1876.

Ces obligations seront offertes par préférence aux porteurs des emprunts 1862, 1868, et 1873, en échange des obligations de ces emprunts qui rapportent 7 pour cent, lesquelles obligations seront annulées.

L'annuité nécessaire au service des obligations privilégiées 5

\* Page 1014.

pour cent, s'élevant à 885,744 $\frac{1}{2}$  sterling, et payable en deux semestrialités de 442,872 $\frac{1}{2}$  sterling chacune, formera la première charge sur les revenus des chemins de fer et du port d'Alexandrie, et restera, en tous cas, la première obligation de la Commission de la Dette Publique.

4. Les emprunts de 1864, 1865, et 1867 sont déduits de la Dette Unifiée.

Ils continueront à jouir de leurs intérêts jusqu'à leur amortissement complet.

Ils seront amortis dans les termes de leurs contrats respectifs. Toutefois cet amortissement se fera au taux de 80 au lieu du taux de 100, et le premier amortissement semestriel à opérer sera reculé de six mois, c'est-à-dire, qu'il se fera pour l'emprunt 1864, le 1<sup>er</sup> Avril, 1877 ; pour l'emprunt 1865, le 7 Juillet, 1877 ; et pour l'emprunt 1867, le 22 Mai, 1877.

5. La majoration de 25 pour cent, accordée par le Décret du 7 Mai dernier aux porteurs de la Dette Flottante est réduite à 10 pour cent.

Par l'effet de ces mesures l'état financier sera le suivant :—

	Livres sterling.	Livres sterling.
(A.) La majoration portée dans le Tableau d'Unification annexé au Décret du 7 Mai, à .. .. .	..	6,204,337
Est réduite—		
1. De la majoration entière sur les 2,906,151 livres sterling de la Dette Flottante de la Daïra, ci ..	726,537	
2. De la majoration sur les emprunts 1864, 1865, et 1867, ci .. .. .	806,798	
3. De la réduction de la majoration accordée aux Dettes Flottantes de la Mallieh et de la Daïra, sur la Mallieh, soit 5,170,998 livres sterling, dont les trois cinquièmes représentant le 15 pour cent à déduire, ci .. .. .	3,102,597	
	<hr/>	4,135,930
		2,068,397
(B.) La Dette Unifiée de .. .. .	..	91,000,000
Est, par ces divers retraits, réduit comme suit :—		
1. Dette Consolidée de la Daïra .. .. .	5,909,280	
2. „ Flottante de la Daïra .. .. .	2,906,151	
3. Emprunts, 1864, 1865, et 1867 .. .. .	4,482,616	
4. Chemins de fer et Port d'Alexandrie .. .. .	17,000,000	
5. Diverses majorations .. .. .	4,135,930	
	<hr/>	34,343,977
		56,656,023
Il revient au Gouvernement en représentation du Port d'Alexandrie, donné en garantie 2,000,000 en titres de la Dette Générale, ci .. .. .	..	2,000,000
Solde à la disposition du Gouvernement, ci .. .. .	..	343,977
		<hr/>
Total de la Dette Unifiée .. .. .	..	59,000,000



Cette dette de 59,000,000*l.* sterling est dotée d'une annuité de 4,177,720*l.* sterling, représentant l'amortissement en 65 ans, et l'intérêt à 7 pour cent sur le capital, jouissance de 15 Juillet, 1876.

Cette annuité est payable en deux semestrialités de 2,088,860*l.* sterling chacune.

Les revenus qui sont actuellement attribués à la Caisse de la Dette Publique par notre Décret du 7 Mai, 1876, lui restent affectés, sauf les modifications qui résulteront du présent Décret, et qui seront réglées par les Contrôleurs-Généraux dont il est parlé ci-après, et par les Commissaires-Directeurs de la Dette Publique.

Les 2,000,000*l.* en titres de la Dette Générale qui reviennent au Gouvernement, pour le port d'Alexandrie, ne pourront être aliénés qu'après paiement intégral des 704,000*l.* sterling, dues aux entrepreneurs du port le 1<sup>er</sup> Janvier, 1877.

#### TITRE II.—*Amortissement.*

6. Les opérations de l'amortissement se feront par les soins des Commissaires de la Caisse de la Dette Publique. Pour augmenter les fonds d'amortissement il sera fait un prélèvement du septième des intérêts à 7 pour cent qui sont affectés au service de cette dette, soit 1 pour cent sur le capital restant à amortir au commencement de chaque année.

Les fonds provenant de prélèvement seront ajoutés aux sommes disponibles de la Moukabala, et seront également employés à l'amortissement par voie de rachats publics, sous réserve de ce qui est dit plus loin à défaut de rachats publics.

Cette retenue pourtant ne se fera que jusqu'à la fin de l'année 1885 au maximum, et, si avant cette époque la Dette Unifiée est réduite à 40,000,000*l.* sterling, le paiement des intérêts de 7 pour cent sera repris à ce moment.

Les fonds provenant de la Moukabala seront versés intégralement à la Caisse de la Dette Publique chargée du service de l'amortissement. La Commission de la Caisse de la Dette Publique prendra sur les fonds versés la somme nécessaire à l'amortissement des emprunts 1864, 1865, et 1867, et elle consacrera le solde disponible à l'amortissement de la Dette Générale Unifiée.

Dans le cas où, après qu'il aura été pourvu au service de la Dette Publique, les revenus seraient insuffisants pour faire face aux dépenses budgétaires du Gouvernement, telles qu'elles sont fixées dans le Tableau annexé au présent Décret, le Comité des Finances, composé du Ministre des Finances et des deux Contrôleurs-Généraux, en préviendra la Commission de la Dette Publique, qui retiendra sur les fonds disponibles provenant de la Moukabala, et destinés à l'amortissement de la Dette Unifiée, la somme nécessaire pour combler la différence.

Pour être en mesure de subvenir à cette obligation, la Commission de la Dette Publique conservera dans ses caisses, en Égypte, sur les produits disponibles de la Moukabala affectés à l'amortissement de la Dette Publique, une somme de 600,000 livres sterling par an.

Cette somme ne pourra être envoyée en Europe qu'après une déclaration du Comité des Finances dont il est parlé plus haut.

Si d'autre part il existe un excédant de revenus après qu'il aura été fait face aux charges de la Dette Publique et aux dépenses budgétaires susmentionnées, cet excédant devra être ajouté à l'amortissement.

L'amortissement, tant par la retenue de 1 pour cent que par les sommes restant disponibles de la Moukabala et les excédants budgétaires, se fera par rachats publics, en tant qu'il sera possible de les effectuer au-dessous du cours de 75.

Dans le cas où, pendant la période de la Moukabala, les rachats ne pourraient se faire à un taux inférieur à 75, l'amortissement se fera par tirage au taux de 75. Aussitôt que les augmentations de revenus produiront un excédant budgétaire de 150,000 livres sterling par an, l'amortissement se fera au taux de 80.

### TITRE III.—*Administration : Contrôleurs-Généraux.*

7. Il sera nommé deux Contrôleurs-Généraux, l'un Contrôleur-Général des Recettes, l'autre Contrôleur-Général de la Comptabilité et de la Dette Publique.

8. Les fonctions du Contrôleur-Général des Recettes sont les suivantes :—

(1.) La perception de tous les revenus de l'État et leur versement dans les caisses respectives.

(2.) Il aura sous sa direction tous les agents de perception, sauf les fonctionnaires chargés de la perception des droits judiciaires et autres auprès des Tribunaux de la Réforme.

(3.) Il nous proposera leur nomination par l'intermédiaire du Ministre des Finances.

Il aura droit de les suspendre de leurs fonctions, et il pourra aussi les révoquer après enquête régulière et avis conforme du Comité des Finances, composé du Ministre des Finances et des deux Contrôleurs-Généraux.

Les agents de perception des impôts dans les Moudirihs seront choisis parmi les sujets du pays qui ne sont frappés d'aucune incapacité légale prévue par les règlements.

(4.) Il veillera à ce que les agents de perception ne recouvrent que les impôts autorisés. Les rôles des contributions directes ne devront être mis en recouvrement qu'après avoir été revêtus de son visa.

adresserons officieusement aux Gouvernements Anglais et Français et n'engagerons que les personnes munies de l'autorisation ou de l'acquiescement de leurs Gouvernements.

Si l'un ou l'autre de ces Gouvernements, à l'époque où les nominations doivent se faire, ne donnait cette autorisation ou cet acquiescement, notre choix se porterait sur des fonctionnaires supérieurs des deux pays, soit en activité de service, soit en retraite.

15. Les Contrôleurs-Généraux seront nommés pour cinq ans. En cas de démission ou de décès il sera procédé pour leur remplacement de la même manière que pour leur nomination.

16. Les deux Contrôleurs-Généraux auront le même rang et jouiront du même traitement.

17. Ils ne relèveront que de nous.

#### *Commission de la Dette Publique.*

18. La Commission de la Dette Publique est permanente jusqu'à l'entier amortissement de la dette.

19. Les Commissions auront le droit d'envoyer les fonds qu'ils auront encaissés directement à la Banque d'Angleterre et à la Banque de France. Ils auront les pouvoirs nécessaires pour faire ces envois, mais ils devront au préalable se concerter avec le Ministre des Finances et les Contrôleurs-Généraux.

20. Un Commissaire Anglais fera partie de la Commission de la Dette Publique. La nomination et le choix de ce Commissaire nous appartiendront ; mais pour être assuré nous-mêmes sur les garanties que présentera la personne dont nous ferons choix, nous nous adresserons officieusement au Gouvernement Anglais, et n'engagerons qu'une personne munie de l'autorisation ou de l'acquiescement de son Gouvernement. Si le Gouvernement Anglais, à l'époque où cette nomination doit se faire, ne donnait cette autorisation ou cet acquiescement, notre choix se porterait sur un fonctionnaire supérieur de l'Administration Anglaise en activité de service ou en retraite.

21. Les marchandises ou denrées données pour le paiement des impôts dans les Moudiriehs spécialement affectés au service de la dette seront mis à la disposition exclusive des Commissaires de la Dette, qui auront la faculté de les réaliser en se concertant toutefois avec le Ministre des Finances et les Contrôleurs-Généraux sur les meilleurs moyens de réalisation.

22. Les Membres de la Commission de la Dette Publique ne pourront accepter d'autres fonctions en Égypte.

#### *Chemins de Fer et Port d'Alexandrie.*

23. Les chemins de fer actuellement en exploitation et le port d'Alexandrie seront placés sous une Administration Spéciale qui ne relèvera que de nous. Elle sera composée de cinq Administrateurs, dont deux Anglais, un Français, et deux indigènes.

Un des deux Administrateurs Anglais remplira les fonctions de Président.

24. L'adjonction de l'Administration du port d'Alexandrie à l'Administration Spéciale des Chemins de Fer, et l'application de ses revenus au service de la Dette Privilégiée, ne pourront, en aucun cas, porter atteinte aux contrats existant actuellement avec les entrepreneurs, ni modifier les rapports du Gouvernement avec ces derniers, à l'égard des travaux qui restent à exécuter.

25. La nomination et le choix des Administrateurs nous appartiendront; mais, pour être assuré nous-mêmes sur les garanties que présenteront les Administrateurs étrangers, dont nous ferons choix, nous nous adresserons officieusement aux Gouvernements Anglais et Français, et n'engagerons que les personnes munies de l'autorisation ou de l'acquiescement de leurs Gouvernements.

Dans le cas où l'un ou l'autre de ces Gouvernements ne donnerait son autorisation ou son acquiescement, notre choix se porterait sur des fonctionnaires supérieurs de l'ordre civil ou militaire des deux pays, ou de leurs grandes compagnies de chemins de fer, en activité de service ou en retraite.

26. Les Administrateurs étrangers seront nommés pour cinq ans; en cas de démission ou de décès, il sera procédé pour leur remplacement de la même manière que pour leur nomination.

27. L'Administration, formée ainsi qu'il est dit ci-dessus, restera en fonctions jusqu'à ce que toutes les obligations privilégiées spécialement créées aient été amorties et remboursées. Le port d'Alexandrie, étant compris dans cette garantie pour une somme de 2,000,000*l.* sterling, pourra être libéré de la garantie et détaché de l'administration commune, lorsque 2,000,000*l.* de ces titres privilégiés auront été amortis ou remboursés.

Les chemins de fer, étant compris dans cette garantie pour 15,000,000*l.* sterling en titres privilégiés, pourront être libérés par l'amortissement ou le remboursement de 15,000,000*l.* de ces titres.

28. Les Administrateurs proposeront à notre choix et nomination les employés supérieurs des chemins de fer et du port.

Ils nommeront directement les autres employés.

Ils auront droit de suspendre tous les employés de leurs fonctions; ils pourront aussi les révoquer après enquête régulière.

Ils auront seuls le droit de faire des modifications aux Tarifs et aux règlements en vigueur, sous notre sanction.

Ils seront exclusivement chargés de faire les contrats d'achat du matériel roulant et fixé, et des matériaux nécessaires à l'exploitation des chemins de fer et au service du port.

Ils statueront sur les nécessités de réparation du matériel, et de la voie ainsi que de l'entretien du port, le tout sous notre approbation.

29. Il sera pourvu par les ressources générales du Budget aux dépenses extraordinaires qui auront été décidées par les Administrateurs et approuvées par nous.

30. Toutes les recettes des chemins de fer et du port Alexandria, au fur et à mesure de leur encaissement, sauf ce qui est nécessaire pour les dépenses ordinaires de l'entretien et de l'exploitation, et sauf les droits des entrepreneurs du port prévus par les contrats, seront versées à la caisse de la Dette Publique, à laquelle elles sont affectées.

31. La Commission de la Dette Publique ouvrira un compte spécial pour le service des obligations privilégiées 5 pour cent. Elle devra envoyer les fonds qui lui seront versés par l'Administration des chemins de fer et du port aux Banques d'Angleterre et de France, et également à un compte spécial pour le service de l'emprunt privilégié sur les chemins de fer et le port.

32. Dans le cas où les versements faites par l'Administration des chemins de fer et du port seraient insuffisants pour le service de cette dette, la Commission de la Dette Publique devra pourvoir à ce service en prélevant, comme une première charge, le montant nécessaire sur les ressources générales qui lui sont affectées.

33. Toutes les dispositions de nos Décrets des 2 et 7 Mai, 1876, qui ne sont pas contraires aux présentes restent en vigueur.

Fait au Caire, le 18 Novembre, 1876.

***EGYPTIAN DECREE, respecting the Conversion of the Public Debt.—Cairo, December 6, 1876.***

Nous, Khédive d'Égypte, notre Conseil Privé entendu, avons décrété et décrétons :

Est approuvé le Règlement en date de ce jour, dont la teneur suit, arrêté selon notre ordre par notre Ministre des Finances, et concernant l'exécution de notre Décret du 18 Novembre, 1876,\* relatif à la conversion de la Dette Publique d'Égypte.

Fait au Caire, le 6 Décembre, 1876.

ISMAIL.

***Règlement modificatif de Son Altesse le Khédive, du 18 Novembre, 1876, concernant la Conversion de la Dette Générale du Gouvernement Égyptien.***

Attendu que, en conséquence de modifications apportées au Décret du 7 Mai, 1876,† par le Décret du 18 Novembre, 1876, il importe de modifier aussi le Règlement du 25 Mai, 1876 ;

Par ordre de Son Altesse le Khédive, avons arrêté ce qui suit :—

\* Page 1024.

† Page 1016.

ART. 1. Les titres de la Dette Unifiée 7 pour cent seront délivrés jouissance 15 Juillet, 1876, amortissables au pair en 65 ans, par tirages semestriels, sans préjudice des dispositions du Décret du 18 Novembre, 1876, relatives aux amortissements par voie de rachats publics, ou par tirages éventuels à défaut de rachats.

Les titres Obligations 5 pour cent Chemins de Fer et Port Alexandrie seront délivrés jouissance 15 Octobre, 1876, amortissables au pair en 65 ans, par tirages semestriels.

2. Ces titres seront au porteur, par coupures de 500 fr., 2,500 fr., 12,500 fr., et 25,000 fr., ou de 20*l.*, 100*l.*, 500*l.*, et 1,000*l.* sterling, au choix des intéressés, lors de l'émission, lesquels intéressés auront, pour se prononcer sur leur choix, jusqu'au 1<sup>er</sup> Février, 1877.

3. Ils seront rédigés en langue Française et langue Anglaise, revêtus du timbre Français ou Anglais, au choix des intéressés et au frais du Gouvernement Égyptien.

Ils seront munis pour 65 ans de coupons semestriels, payables les 15 Janvier et 15 Juillet pour la Dette Unifiée, les 15 Avril et 15 Octobre pour les Obligations Chemins de Fer et Port d'Alexandrie.

Les paiements du premier coupon auront lieu respectivement le 15 Janvier et le 15 Avril, 1877.

4. Ces titres seront signés par deux Représentants du Gouvernement Égyptien, dont un au moins choisi parmi les Commissaires-Directeurs de la Caisse de la Dette Publique, instituée par Décret du 2 Mai, 1876;\* ils ne pourront être frappés d'aucun impôt par le Gouvernement Égyptien.

5. Les tirages semestriels d'amortissement régulier s'effectueront au Caire, en séance publique, par les Commissaires-Directeurs de la Caisse de la Dette Publique.

Ils auront lieu les 15 Avril et 15 Octobre pour la Dette Unifiée, les 15 Janvier et 15 Juillet pour les Obligations Chemins de Fer et Port d'Alexandrie.

L'époque des premiers tirages ne pouvant être fixée dès aujourd'hui, sera ultérieurement indiquée, le plus tôt qu'il sera possible, suivant le degré d'avancement de la confection des titres, pour laquelle il sera fait tout diligence.

Le remboursement des titres sortis aux tirages s'effectuera en même temps que le paiement du coupon qui suivra le tirage. L'époque du premier remboursement sera ultérieurement indiquée, dès que celle du premier tirage sera connue.

Les dispositions ci-dessus ne sauraient en aucun cas s'appliquer aux amortissements qui devront se faire, conformément au Décret du 18 Novembre, 1876, par voie de rachats publics, ou par tirages éventuels à défaut de rachats.

6. Les coupons seront payés et les titres au tirage seront remboursés en or, sans autre retenue que celle prévue (s'appliquant aux coupons) par l'Article 6 du Décret du 18 Novembre, 1876.

Les paiements et remboursements ci-dessus s'effectueront au Caire, à Paris, et à Londres, la livre sterling au change fixe de 25 fr.

7. Les titres de la Dette Unifiée étant délivrés valeur du 15 Juillet, 1876, tous les coupons des anciens titres arrivant à échéance avant cette date seront payés en or à leur échéance et sur leur présentation; quant aux fractions de coupons des anciens titres acquises aux porteurs au 15 Juillet, 1876, elles seront payées en or au moment de l'échange de ces anciens titres contre les titres de la Dette Unifiée.

Les titres 5 pour cent Chemins de Fer et Port d'Alexandrie étant délivrés jouissance 15 Octobre, 1876, les porteurs de ces titres ont droit à des intérêts pour la période écoulée du 15 Juillet au 15 Octobre, 1876, soit trois mois à 5 pour cent l'an (taux égal à celui de ces titres privilégiés), soit  $1\frac{1}{4}$  pour cent sur le montant nominal, et ce en dehors de ces intérêts acquis au 15 Juillet, 1876.

8. L'échange des titres s'effectuera dans les conditions suivantes :—

(1.) Pour les Emprunts 1862, 1868, et 1873, l'échange se fera au pair, c'est-à-dire, que les titres anciens seront échangés contre des titres nouveaux d'égale valeur nominale.

En conséquence de l'attribution aux porteurs des titres de ces emprunts des 17,000,000<sup>l</sup>. obligations Chemins de Fer et Port d'Alexandrie, le prorata d'après lequel cette attribution devra être faite s'établit comme suit :—

Montants restant des emprunts au 15 Juillet, 1876 :—

						£
Emprunt, 1862 .. .. .	..	..	..	..	..	2,517,000
„ 1868 .. .. .	..	..	..	..	..	10,627,180
„ 1873 .. .. .	..	..	..	..	..	31,128,798
Total .. .. .						<u>£44,270,968</u>

Divisant les 17,000,000<sup>l</sup>. obligations 5 pour cent, soit prorata 88.40 pour cent.

(2.) Les Emprunts 1864, 1865, et 1867 étant exclus de la conversion, leurs titres ne devront pas être échangés; ceux de ces titres qui auraient été présentés à l'échange et annulés, en conformité du Décret du 7 Mai, 1876, devront être rendus aux déposants, munis d'une contre-estampille rétablissant leur valabilité, et les sommes qui auront été versées aux déposants entreront en ligne de compte dans celles qui leur seront ultérieurement payées.

(3.) Les porteurs des bons formant la Dette Flottante, telle

*TREATIES of Peace, Cession, &c., between the United States and certain Nations and Tribes of Indians.—1863.*

- (1.)—*TREATY between the United States of America and the Eastern Bands of Shoshonee Indians. Fort Bridger, Utah, July 2, 1863.*

[Ratified by the President of the United States, June 7, 1869.]

ARTICLES OF AGREEMENT made at Fort Bridger, in Utah Territory, this 2nd day of July, A.D. 1863, by and between the United States of America, represented by its Commissioners, and the Shoshonee nation of Indians, represented by its Chiefs and Principal Men and Warriors of the Eastern Bands, as follows:—

ART. I. Friendly and amicable relations are hereby re-established between the bands of the Shoshonee nation, parties hereto, and the United States; and it is declared that a firm and perpetual peace shall be henceforth maintained between the Shoshonee nation and the United States.

II. The several routes of travel through the Shoshonee country, now or hereafter used by white men, shall be and remain for ever free and safe for the use of the Government of the United States, and of all emigrants and travellers under its authority and protection, without molestation or injury from any of the people of said nation. And if depredations should at any time be committed by bad men of their nation, the offenders shall be immediately seized and delivered up to the proper officers of the United States, to be punished as their offences shall deserve; and the safety of all travellers passing peaceably over said routes is hereby guaranteed by said nation. Military agricultural settlements and military posts may be established by the President of the United States along said routes; ferries may be maintained over the rivers wherever they may be required; and houses erected and settlements formed at such points as may be necessary for the comfort and convenience of travellers.

III. The telegraph and overland stage lines having been established and operated through a part of the Shoshonee country, it is expressly agreed that the same may be continued without hindrance, molestation, or injury from the people of said nation; and that their property, and the lives of passengers in the stages, and of the employees of the respective companies, shall be protected by them.

And further, it being understood that provision has been made by the Government of the United States for the construction of a railway from the plains west to the Pacific Ocean, it is stipulated by said nation that said railway, or its branches, may be located, con-



ratification of the same, with an amendment, by a Resolution in the words and figures following, to wit:

*In Executive Session, Senate of the United States,*

*March 7, 1864.*

Resolved (two-thirds of the Senators present concurring),—That the Senate advise and consent to the ratification of the Articles of Agreement made at Fort Bridger, in Utah Territory, the 2nd of July, 1863, between the United States of America, represented by its Commissioners, and the Shoshonee nation of Indians, represented by its Chiefs and Principal Headmen and Warriors of the Eastern Bands, with the following

**AMENDMENT:**

Add a new Article as follows:

“Nothing herein contained shall be construed or taken to admit any other or greater title or interest in the lands embraced within the territories described in said Treaty with said tribes or bands of Indians than existed in them upon the acquisition of said territories from Mexico by the laws thereof.”

Attest:

J. W. FORNEY, *Secretary.*

By W. J. McDONALD, *Chief Clerk.*

And whereas, the foregoing amendment having been fully explained and interpreted to the Chiefs and Principal Men of said Eastern Bands of Shoshonee Indians, whose names are hereinafter subscribed, they did, on the 31st day of August, in the year 1865, on behalf of said Indians, together with O. H. Irish, Commissioner on behalf of the United States, give their free and voluntary assent to said amendment, in the words and figures following, to wit:

Whereas a Treaty of Peace and Friendship was made at Fort Bridger, Utah Territory, on the 2nd day of July, A.D. 1863, by and between the United States of America, represented by James Duane Doty and Luther Mann, jr., Commissioners, and the Chiefs of the Eastern Bands of the Shoshonee Indians, which Treaty was ratified by the Senate of the United States on the 7th day of March, 1864, with the following amendment, viz.:

“ART. V. Nothing herein contained shall be construed or taken to admit any other or greater title or interest in the lands embraced within territories described in said Treaty in said tribes or bands of Indians than existed in them upon the acquisition of said territories from Mexico by the laws thereof.”

Now, the said amendment having been this 31st day of August, A.D. 1865, at a Council held with the said Chiefs at Great Salt Lake

the United States, and of all emigrants and travellers under its authority and protection, without molestation or injury from them. And if depredations are at any time committed by bad men of their nation, the offenders shall be immediately taken and delivered up to the proper officers of the United States, to be punished as their offences shall deserve; and the safety of all travellers passing peaceably over either of said routes is hereby guaranteed by said bands.

Military posts may be established by the President of the United States along said routes or elsewhere in their country; and station-houses may be erected and occupied at such points as may be necessary for the comfort and convenience of travellers or for the mail or telegraph companies.

III. The telegraph and overland stage lines having been established and operated by companies under the authority of the United States through a part of the Shoshonee country, it is expressly agreed that the same may be continued without hindrance, molestation, or injury from the people of said bands, and that their property, and the lives and property of passengers in the stages and of the employees of the respective companies, shall be protected by them. And further, it being understood that provision has been made by the Government of the United States for the construction of a railway from the plains west to the Pacific Ocean, it is stipulated by said bands that the said railway or its branches may be located, constructed, and operated, and without molestation from them, through any portion of country claimed or occupied by them.

IV. It is further agreed by the parties hereto that the Shoshonee country may be explored and prospected for gold and silver, or other minerals; and when mines are discovered, they may be worked, and mining and agricultural settlements formed, and ranches established whenever they may be required. Mills may be erected and timber taken for their use, as also for building or other purposes, in any part of the country claimed by said bands.

V. It is understood that the boundaries of the country claimed and occupied by said bands are defined and described by them as follows:—

On the north by Wong-goga-da Mountains and Shoshonee River Valley; on the west by Su-non-to-yah Mountains or Smith Creek Mountains; on the south by Wi-co-bah and the Colorado Desert; on the east by Po-ho-no-be Valley or Steptoe Valley and Great Salt Lake Valley.

VI. The said bands agree that whenever the President of the United States shall deem it expedient for them to abandon the roaming life which they now lead, and become herdsmen or agriculturalists, he is hereby authorized to make such reservations for their

the Senate advise and consent to the ratification of the Treaty of Peace and Friendship made at Ruby Valley, in the Territory of Nevada, the 1st day of October, A.D. 1863, between the United States of America, represented by their Commissioners, and the Western Bands of the Shoshonee nation of Indians, represented by their Chiefs and Principal Men and Warriors, with the following

AMENDMENT :

Fill the blank in Article VIII with the word *five*.

Attest :

J. W. FORNEY, *Secretary*.

And whereas, the foregoing amendment having been fully explained and interpreted to the undersigned Chiefs, Principal Men, and Warriors of the Western Bands of the Shoshonee nation of Indians, they did, on the 17th day of June, 1869, give their free and voluntary assent to the said amendment, in the words and figures following, to wit :

Whereas the Senate of the United States, in executive session, did advise, and consent to the ratification of the Treaty of Peace and Friendship made at Ruby Valley, in the Territory of Nevada, on the 1st day of October, 1863, by the Commissioners on the part of the United States and the Western Bands of the Shoshonee nation of Indians, represented by their Chiefs and Principal Men, and Warriors, with the following amendment :

" Fill the blank in Article VIII with the word *five*."

And whereas the foregoing amendment has been fully interpreted and explained to the undersigned Chiefs, and Principal Men and Warriors of the aforesaid Western Bands of the Shoshonee nation of Indians, we do hereby agree and assent to the same.

Done at Ruby Valley, Nevada, on this 17th day of June, A.D. 1869.

Their		Their
✕	TIM-OOK.	✕ CHARLEY TIMOOK.
✕	BUCK.	✕ TO-NAG. -
✕	FRANK.	marks.
marks.		

Attest :

J. H. DAWLEY.

R. B. SCOTT.

W. R. REYNOLDS.

LOUIS GRINNELL, *Interpreter*.

*SPEECH of the President of Chile, on the Opening of Congress.*  
*—Santiago, June 1, 1875.*

(Translation.)

FELLOW-CITIZENS OF THE SENATE AND OF THE CHAMBER OF DEPUTIES,

I HAVE the satisfaction of inaugurating for the fourth time your legislative labours in the midst of peace, and on the happy path of moral and material progress which the nation is treading with sure and prudent step.

Animated with a loyal spirit of justice and duty, we continue to cultivate with particular solicitude the cordial relations which subsist between us and friendly nations.

There will be immediately submitted for your approval the last agreement come to with the Republic of Bolivia, in modification of the frontier Treaty of 1866,\* which was found to offer so many difficulties in practice.

The unhappy internal crisis which has recently afflicted the Argentine Republic has prevented the conclusion of the negotiations respecting the frontier. Now, however, as the public order and regular administration of that State have been re-established, there is reason to hope for the adoption of a complement to the existing Treaty of 1856,† which in its 39th Article provides that, failing complete agreement, the question of frontier shall be submitted to the arbitration of a friendly nation. There is good cause to hope that without appealing to arbitration we may arrive at a more friendly and mutually satisfactory understanding.

The question raised by the division of the cost of the allied squadron of Chile and Peru in the last war with Spain, which was submitted to arbitration, has received equitable and final solution by the judgment pronounced by the arbitrator upon all the points in debate.

Since the exchange of ratifications in each case, the Postal Convention entered into with the German Empire and the Consular Convention concluded with the Republic of Peru have been promulgated as laws of the Republic.

The Postal Conventions also with the Republics of Colombia and Uruguay will shortly be promulgated, and await only the exchange of ratifications.

Similar engagements with France and with the United States of North America are under consideration.

At home the various works which I am charged to execute have made rapid and successful progress.

\* Vol. LVI. Page 717.

† Vol. XLIX. Page 1200.

The various works in connection with the railway which is to link Curicó to Talcahuano, Los Angeles, and Angol were proceeding with marked rapidity up to the commencement of April last. The number of workmen of all sorts employed upon it reached 7,000.

Unfortunately, in the same month the progress of the work diminished through the contractor failing to provide himself in time with the considerable amount of funds demanded by the execution of such an extensive contract. I have, however, been able to smooth some difficulties in this matter, and I believe that in a few days the former activity will be resumed, and that, in fulfilment of pledges given me, the rails along the whole extent of the railroad will be united except across certain rivers, the passage of which will be effected by temporary bridges within the first two months of next year.

The railroad between Talcahuano and Chillan is finished, and the commission to whom it is to be submitted for ascertaining that its various works have been carried out in accordance with the contract will shortly be named. Other improvements effected the extension of the Northern Railway up to the quay, and the construction of the new street, Calle de Blanco, so necessary to ease the traffic of Valparaiso with its numerous population.

Further authorized to execute costly public works which every day become more necessary on the Northern Railway, I have given orders for these to be carried out gradually so as not to lay too heavy a burden upon our Treasury in our present circumstances.

The palace destined for your sessions will be completed and put in order to receive the newly elected Deputies on the 1st June next.

Since the 1st of March last the new Penal Code and the Mining Code which have introduced such important reforms into our legislation have been in force as laws of the Republic.

The revision of the Civil Code has made considerable advance, and the rédaction of the Codes of Criminal, Rural, and Military Law is also making active progress.

The basis of these important labours is the scheme of organization and jurisdiction of the tribunals which awaits your judgment, inasmuch as this project gives our Courts a new organization by carefully establishing and delimiting their jurisdiction, destroys privileges obnoxious to our democratic system, as well as the conflicting and injurious confusion between the jurisdictions of numerous public functionaries, and provides for rendering the responsibility of our judges real, instead of their being, as hitherto, merely nominal and illusory.

In recommending the prompt adoption of this important scheme, I should specially invite your attention to the daily increasing necessity of establishing a new Court of Appeal, to remedy the very



serious evils which impair our administration of justice by reason of the extraordinary increase of cases which the prompt and assiduous attention of the existing Court of Appeal at Santiago has been unable to diminish.

The new gaols in Quillota and Curicó are already in use, and, as means may permit, similar establishments will be erected in such Departments as most need them.

All branches of public instruction have been the object of my most diligent attention. Higher and middle-class education is constantly undergoing amelioration. Every year a considerable increase is noted in the number of youths attending the Instituto Nacional, and other State or private educational establishments.

In order to foster elementary education, new schools have been established, and those existing have been improved, while support is given to those individuals and associations who in increasing numbers are helping the Government in the diffusion of elementary instruction.

The total receipts of our commerce during the year 1874 were 81,802,051 dollars. The value of imports exceeded that in the previous year by 489,302 dollars, and that of our exported products, agricultural and mineral, by 2,387,924 dollars. Such results are very satisfactory, even without reference to the recent commercial and industrial depression.

The fiscal receipts of 1874 amount to 15,661,724 dollars, exceeding by 269,167 dollars those of 1873.

The public expenditure in the same year was 22,508,864 dollars, of which 5,876,791 dollars have been devoted to works executed in pursuance of certain special enactments and out of specially allotted funds.

In accordance with the Law of the 18th June of last year, the valuation of the annual revenue of the rural property of the Republic has been taken in hand. Considering the total amount of this revenue, which is much lower than might have been expected, it has been deemed expedient to continue the proportion of taxes of 9 per cent. which was formerly paid, notwithstanding that this rate is insufficient to make up the maximum fixed by the law in question at 1,200,000 dollars.

The imposition of direct taxation is always fraught with serious practical difficulty. The institution of a permanent commission seems to be recognized from experience as the best way of discharging the delicate function of rectifying inequity in valuation. However, I consider it prudent to defer this measure until the next renewal of the public powers.

Regulations have been drawn up and other requisite means adopted for putting in force the laws relating to the marking of

animals, and the establishment of a register of trade marks. The agricultural, commercial, and industrial classes, recognizing the importance of such registers, have promptly availed themselves of the advantages offered by such laws for the regularization of titles of ownership, which previously were recognized only by custom, and had no legal foundation.

The adoption of the Bill for the organization of the revenue offices which I had the honour to propose to you in 1873 becomes more and more an urgent necessity, and will endow our financial system with a basic unity and a facility of working which it at present lacks.

During the present year a considerable portion of the warehouses which are in course of construction has been added to the Custom-house of Valparaiso, and in the ensuing year the whole of this important work will be completed.

The jetty also constructing in this port is making remarkable progress under the direction of the able engineer who had replaced the distinguished author of the original plan who unfortunately died last year.

Judging from the preparations, it may be hoped that the International Exhibition to be opened on the 16th of next September will surpass our most flattering expectations. We owe a generous welcome to the exhibitors, and sincere gratitude to the foreign Governments who have lent their concurrence to this peaceful contest of progress.

Of the 7,700,000 dollars to be issued within the country in 6 per cent. bonds, to defray the cost of various works in course of execution, 5,000,000 have been converted into a foreign debt in accordance with the authorization which you conferred upon me last year.

This conversion will be seen to have been of considerable use, when its results are compared with the price for which the bonds could have been disposed of at home, and the competition so prejudicial to our commercial and industrial necessities which this would have been taken into account.

A considerable portion of these funds has already reached the country through letters of change on London, an operation which has also its advantage.

In the Estimates for the ensuing year the strictest economy has been consulted, and this course is absolutely necessary during the construction of the valuable public works now progressing.

The national fleet has been increased by the addition of the iron-clad frigate *Almirante Cochrane*. This vessel has undergone a detailed examination by our naval officers and by foreign officers of experience, and has been pronounced worthy to figure with the most powerful and best built vessels.

The construction of the iron-clad *Valparaíso* is actively progressing; this vessel, with the exception of some small differences of detail, is similar to the *Almirante Cochrane*.

The Hydrographic Office recently established has already undertaken important labours which will be found described in the "Anuario Hidrográfico de la Marina de Chile," published at the commencement of this year. It bears witness to the services of our marine to geography and navigation.

Fellow-Citizens of the Senate and of the Chamber of Deputies,

In a few months the electoral law which you have adopted in your last year's sessions will come into operation and introduce a fundamental innovation in our electoral system. The trial about to be made of it in the renewal of the public powers will furnish evidence of its excellence, and place the country in a situation to constitute definitively the essential basis of democratic government by the adoption of well-considered institutions which have the advantage of having been improved by experience.

You have entrusted to me the task of watching over the execution of this law, and I regard it as the most sacred of my duties to endeavour to secure its exact and honourable fulfilment. In earnest of my sincerity I declare to you from this moment that I shall not only watch with scrupulous respect over the numerous and efficient safeguards of liberty and independence with which the new law invests every step of the electoral procedure, but hold myself bound to promote the purity of the suffrages in all that depends upon my office. I consider that if the magistrates are in the secure enjoyment of the same rights as the rest of the citizens, it is in no case legitimate for them to promote their own personal views by the authority which the law has placed in their hands for the service of the nation.

From the 1st of next November, therefore, when qualifying for the election will begin, the civic guard throughout the whole Republic will be withdrawn from service until the 25th of June of next year, the date of the termination of the popular elections. In this same loyal and impartial spirit I shall make such other provisions as may seem agreeable with my powers and the faithful discharge of my office.

Fellow-Citizens of the Senate and of the Chamber of Deputies,

The last two sessions of the Legislature have been fruitful in beneficial results. The termination of your patriotic labour in the session inaugurated to-day will earn you the honour and gratitude of the nation.

I have firm confidence in the destinies of our country, and in the happy future which the virtues of her sons are preparing for her



dollars annually, and in the last five years 945,128 dollars. The same proportion is observable in the new line from Chillan to Talcahuano.

The important services of the Post Office and the telegraph have attracted my attention especially. The offices and the frequency of the mails have been multiplied as much as possible; at the same time that the wire places us in communication, not only with nearly all the towns of the Republic, but with the other States of America and with Europe.

Public beneficence has continued meriting my most solicitous care. The great Hospital of San Vicente de Paul and the Lazareto del Salvador, recently constructed, are affording an asylum to many sick persons.

The administration of justice has attained a notable importance, and has made considerable progress during the five years of my administration. The promulgation of the Penal and Mining Codes, and of the organization and attributes of the tribunals, the establishment of the Second Court of Appeal in Santiago, and the creation of 16 judgeships, have efficiently contributed to that end; as also the construction of commodious and secure gaols in Curicó and Quillota, the repairs made to several other establishments of the same nature, and the foundation in Valparaiso of a house of correction for women, similar to that of Santiago.

The revision of the code of civil and military judicial practice is being actively continued, and I hope to have the satisfaction of presenting it for your sanction.

The revision is about to be commenced of the Rural Code project, and that of criminal judicial practice is in a tolerably advanced condition.

Notable progress has also been made in the matter of public instruction. New classes have been formed in the Instituto Nacional—a building already too small for the number of students frequenting it; two new provincial lyceums have been founded in Linares and Melipulli; a normal school for females has been established in Serena; and an increase of 200 primary schools has taken place, of which 68 are mixed or alternate.

The construction of the great lyceum of Valparaiso is considerably advanced, and will be entirely completed during the present year.

The fiscal receipts in 1875 were 16,350,119 dollars, showing an increase over those of 1874 by 688,395 dollars. In 1871 our revenue was 11,781,880 dollars; we have therefore obtained in the last four years an augmentation of our annual revenue of 4,568,239 dollars.

The public expenditure amounted in 1875 to the sum of

abundant and excellent armament of the most perfect modern system.

I must give similar recommendation on behalf of our youthful navy, which has already given so many proofs of its competence and love of science—a sure guarantee of all that the nation can expect from its intelligent services. The Naval School, and that of naval apprentices, have been reorganized with the object of making more practical the instruction of the youths entering the service after having studied in them.

A regulation issued for the administration of the Arsenal Department has systematized the accounts and whatever concerns the economic service of the navy.

A lighthouse has been established on the coast of Valdivia; and to facilitate navigation, the most dangerous banks and points in the Straits of Magellan and the rest of the coast of the Republic have been buoyed.

A careful study of the whole of our coast has been made, with the object of forming a complete plan of maritime lighting, and another for buoying, which may be gradually carried out. The first plan is finished and published; and the second, also finished, will be published shortly.

The bar of the Maule is being studied by an experienced hydraulic engineer, brought from Europe with that special object, and we shall shortly obtain a definite plan of the works which it will be advisable to execute.

The plan for the formation of a dry dock, indispensable for the national marine, will be confided to the same engineer who has made the preparatory studies on our coast. With this work is connected that of the marine warehouses, which will naturally be erected in the same port as the dock.

As the advisability of proceeding systematically with the hydrographic works was evident, in May 1874 a special office was established, annexed to the Ministry of Marine, to which was entrusted the direction of all matters concerning that interesting branch of science. The office has fulfilled perfectly the objects for which it was created, and during the two years of its existence it has published important works in the "Anuario" printed for that purpose.

From 1871 till now, the national vessels have explored more than 700 geographical miles of our coast; the archipelagos of Guaitecas, Chonos, and Taitao, consisting of hundreds of islands and channels; and many rivers, before unknown, of those southern regions. Many other important regions of Patagonia and the north of Chile have also been studied. Concerning these studies have been published many pamphlets and books of considerable interest to the advancement of the geography of the country, no fewer than 50 charts and

plans, and a great number of illustrations of importance and real utility to navigators.

Our fleet comprises to-day two iron-clads, four corvettes, five steamers, a schooner, and a hulk; they mount 50 guns, measure 11,000 tons, and are manned by 1,500 men. The acquisition of all this material and its maintenance imposes costly sacrifices on the State, but they are more than compensated for if we take into consideration that they import a guarantee of peace and honour to the Republic.

Fellow-Citizens of the Senate and of the Chamber of Deputies,

Taught by the experience that one acquires in the exercise of five years of government, on the point of returning to private life, and inspired only by the purest motives, I now direct a few words to the Representatives of the people, in whose hands are entrusted to-day the destinies of the nation.

During these last five years important modifications have been introduced into our political institutions. The Constitution of the State has received considerable reforms, in the organization and attributes of the various public powers, in the limitation of the excessive authority conceded to the President of the Republic by reason of a declaration of a state of siege or of extraordinary powers, and in the express authorization of certain political rights which, like those of association and meeting, have been elevated to the category of constitutional rights.

The Press Law of July 17, 1872, has sanctioned the amplest liberty in the publication of thought; and although lately the excesses of the press have been most lamentable, there exists no good reason for the adoption of repressive measures. It is much better to tolerate these painful consequences of an exceptional and transitory period than to endeavour to restrain the exercise of so precious a liberty. Tyranny will ever be impossible where reigns absolute freedom of the press; and to conspire against the other liberties and rights of the citizen, it will ever be necessary to commence by exterminating that freedom.

The Electoral Law of the 12th of November, 1874, has effected a truly radical reform, introducing universal suffrage without any other limitation than that of knowing how to read and write, trying practical means for the representation of minorities, and altering substantially the bases of the organization of the electoral power.

These important reforms have been carried into effect, and are now in uninterrupted operation, and without their having produced the slightest alteration in the orderly and progressive march of public affairs. It is grateful to me to bear such flattering testimony, because it is the most eloquent proof of the progress of the country,

and the vanity of those fears which, until lately, have been inspired by the noble ideas and the natural aspirations of reform and improvement entertained by lovers of liberty. It is in this field that the country has a right to expect the most from your labours, because it has entrusted its representation to you in a most propitious epoch for the progress of the people. In fact, no more favourable occasion than the present can be offered for the decisive continuation of a prudent reform in our institutions, giving to the important questions awaiting your enlightened decision a liberal solution that may affirm for ever the existence of precious social rights, at present unfortunately uncertain and disputed.

May God enlighten you, and give you the necessary aid, that your labours may be fruitful in honour and benefit for our beloved country!

FEDERICO ERRAZURIZ.

Santiago, June 1, 1876.

*DECREE of the Argentine Republic, suppressing the British and French Postal Agencies.—Buenos Ayres, January 29, 1873.*

*Department of the Interior,*

(Translation.)

*Buenos Ayres, January 29, 1873.*

CONSIDERING: that by Decrees of the 1st February and 25th September, 1858, of the Government of Buenos Ayres, concessions were granted to the steamers of the English Royal Mail Steam-Packet Company and of the Messageries Impériales of France, in virtue of which there has passed through the English and French Consulates the correspondence not only for the intermediate ports, the object of the concession, but also a large portion of that intended to be conveyed by these steamers to Europe:

That the Republic being to-day in very frequent communication by the sea-route with that part of the world as well as with the Empire of Brazil and the Pacific Republics, the motives which gave origin to that concession have now ceased:

That the sale of English and French postage stamps, as well as those of other nations, is made not only by the respective Consulates, but also by many commercial houses, so that the complete prepayment of over-sea correspondence can be made with facility and without prejudicing commercial interests by the discontinuance of the concession referred to:

That postal receipts are a source of national revenue, and consequently should be collected in accordance with the laws:

In view of the explanations given by the Minister of Foreign

Affairs in his Memorandum of the 4th September last, as well as those given by the Postmaster-General and the National Advocate, the President of the Republic decrees:—

ART. 1. The concession by the Government of this Province above referred to is cancelled.

2. All correspondence which may leave the Republic, or be received therein, shall be under the charge of the postal authorities, subject to the laws and regulations affecting the same.

3. As the law does not prohibit the use of foreign postage stamps for the forwarding of letters beyond the Republic, the Post Office will receive and forward to its destination all correspondence delivered to it in this form, provided always that it bears the corresponding national stamps, and until such time as the respective Postal Conventions are arranged.

4. This Decree to come into force on the 1st of July in the present year.

5. Communicate, publish, and insert this in the "National Register."

SARMIENTO.

ULADESLAS FRIAS.

Approved,

Y. S. DE BUSTAMENTE.

### *CONSULAR CONVENTION between Bolivia and Peru.—*

*Signed at Lima, July 26, 1870.*

[Ratifications exchanged at La Paz, July 14, 1873.]

(Translation.)

IN THE NAME OF ALMIGHTY GOD.

THE Republics of Peru and Bolivia, recognizing the deficiency in their existing Consular covenants, and proposing to give them all the extension demanded by their immediate international relations and the protection of the commerce between them, have agreed in pursuance of Clause 5 of Article XII of the Treaty of Commerce and Customs signed on the 23rd of the present month,\* to conclude a Convention, and for this purpose have appointed their Plenipotentiaries, to wit:

The Most Excellent Señor Don José Balta, Constitutional President of the Republic of Peru, the Honourable Senator José Jorge Loayza, Advocate of Peru, former Minister of Finance, and at present of Foreign Affairs; and

The Most Excellent Señor Captain-General Don Mariano Mel-



garejo, Provisional President of Bolivia, by direct suffrage of the people, the Honourable Señor Juan de la Cruz Benavente, ex-Minister of Foreign Affairs of Bolivia, Envoy Extraordinary and Minister Plenipotentiary on a Permanent Mission to Peru, Senior of the Honourable Foreign Diplomatic Body resident in Lima, Envoy Extraordinary and Minister Plenipotentiary on an Extraordinary Mission at the Cabinet of Washington, Advocate of Bolivia and of Peru :

Who, after having found their full powers sufficient and in due form, have agreed to the following stipulations:—

ART. I. Each of the Contracting Republics shall have the right to appoint and maintain Consuls-General, Consuls, Vice-Consuls and Consular Agents, in the cities, ports, and places of the other, where the residence of such functionaries shall be agreed to.

Persons of any nationality can be thus appointed.

II. The persons holding Consular appointments as set forth in the preceding Article shall not enter into the discharge of their functions without having obtained from the Government of the State in which they are to reside, the exequatur to their letters patent of appointment or commission according to the usage of the respective countries.

The Governments of the two Republics reserve to themselves the right of refusing the exequatur, and also of withdrawing it after it has been given, but in either case will communicate to the Government appointing the just motives of such a course.

III. The exequatur will be presented by the functionaries in whose favour it has been granted to the chief administrative authority of the Consular district, which having verified this indispensable document, and received from the Supreme Government the proper notice, will immediately adopt the measures requisite for the above-mentioned functionaries to be admitted to the enjoyment of the rights, privileges, and exemptions to which they are entitled.

IV. The Consuls-General, Consuls, Vice-Consuls and Consular Agents shall enjoy the following privileges:

1. The right of hoisting the flag, and of placing in front of their houses the arms of the nation they represent, without any idea of territorial right or right of asylum being thereby implied.

2. Absolute inviolability of their archives, which can in no case be taken possession of or examined by the authorities of the State in which they are preserved. These documents should always remain completely separate from books and personal letters, or from anything that may relate to the commerce, industry, or profession of the Consular functionary.

3. Independence of the local authorities in all that pertains to the exercise of their functions.

they reside, and if necessary have recourse to the Supreme Government, through the medium of the Diplomatic Agent of their country if there be one, or if not, directly, to complain of any infraction of the existing Treaties, or of abuses committed by the public servants or authorities of the country to the injury of the nation in whose service the Consul is. They can likewise support their countrymen before the authorities of the country, in measures undertaken on account of injurious acts done by any functionary.

VIII. The Consuls-General, Consuls, Vice-Consuls, and Consular Agents of the two nations, or their clerks, shall have the right of receiving in their offices, in the domicile of the parties, and on board the ships of their country, any declarations which captains, crews, passengers, traders and any other subjects of their country may have to make; it being understood that this right does not affect that which legally pertains to the judicial authorities of the country to take depositions in matters concerning their jurisdiction.

The Consuls-General and the Consuls shall likewise be empowered to receive testamentary dispositions in the same way as notaries and to draw up contracts which their countrymen or persons domiciled in the nation for which they act as Consul may resolve voluntarily to make, only in case the one and the other refer to property situate without the territory of the State in which the Consul resides, the laws followed in this being those of the nation served by the Consul.

The Consuls-General, Consuls, Vice-Consuls, and Consular Agents shall further have the right to authorize in their respective offices all the contracts which involve personal obligations between one or more of their countrymen and other persons belonging to the nation in which they reside, as well as all those relating to the exclusive interests of the subjects of the country in which the stipulation is made, provided always that such contracts, obligations, and stipulations are to be fulfilled and executed in some place within the country served by the Consular Agent who has authorized such deeds.

The testimonies and attestations of such deeds duly legalized by the said functionaries and impressed with their official seal or stamp shall be held as evidence both in and out of Courts of Justice in the two Contracting States, and shall have the same force and value as if they had been drawn up by notaries or other public functionaries of either nation, provided that such deeds be drawn up in the form required by the laws of the State to which belong the Consuls, Vice-Consuls, and Consular Agents, and afterwards shall have been sealed and registered, and submitted to all the other formalities required in such cases in the nation in which the deed has to take effect.

them to a person or corporation deemed satisfactory by the local authority and by the Consul.

Landed property can only be alienated by order of the local authority upon application of the Consul, and after the lapse of four years from the death of the owner, no heir or representative of the deceased having presented himself during that period. The proceeds of these sales, which are to be by public auction, shall be lodged in the banks of the State in which the property is situate.

XI. The Consuls-General, Consuls, Vice-Consuls, and Consular Agents shall give notice of the death of their countrymen in the case contemplated by the preceding Article, and shall convoke, by means of the local periodicals and those of the country of the deceased, the creditors who may have claims upon the heritage, whether the succession be testamentary or *ab intestato*, in order that they may present their claims duly substantiated, in the place fixed by the laws of the respective nations.

When creditors having claims upon the succession, whether testamentary or intestate, present themselves and duly substantiate their claims, payment should be effected by the Consul-General, the Consul, the Vice-Consul or the Consular Agent within the term of 15 days, reckoned from the completion of the inventory, if there are funds which can be thus applied, and if not, immediately after the realization of the necessary sums, or within a term which may be fixed by common accord between the Consuls and the majority of the parties concerned.

If the Consuls refuse the payment of all or part of the claims, alleging the insufficiency of the inheritance to meet them, the creditors can apply to the competent local authority to have the estate declared insolvent.

Such declaration having been obtained in conformity with the local laws, the Consuls shall immediately deliver to the judicial authority or to the syndics of the meeting of creditors, as the case may be, all the documents, effects, and moneys pertaining to the inheritance, it being incumbent upon them to represent the absent heirs of their nationality who are minors or incapable, and who are without a legal representative.

XII. The Consuls-General, Consuls, Vice-Consuls, or Consular Agents shall perform the administrative acts to which the foregoing Articles relate with absolute independence of the local authority, except when the subjects of the nation in which the Consul resides, or those of a third Power, have pretensions upon the inheritance.

In such a case, when difficulties arise and pretensions are put forward, the Consuls and other Consular functionaries will not be entitled to decide them, and they should be submitted to the tribunals of the nation within whose competence their settlement lies.



The communication for this purpose shall be forwarded to the Consuls, and shall name a fixed time, and if the Consul or his deputy fail to attend, the matter shall be proceeded with in his absence. It shall likewise be proceeded with in the absence of the same, in the case of declarations which, according to the law, need not be witnessed by other persons than the judicial functionaries.

XVII. The merchant-vessels of one of the Contracting States are not in the other exempt from the local jurisdiction, nor can they afford asylum on board to criminals who can be taken away before giving notice to the Consul, or corresponding Consular functionary.

XVIII. In all that relates to the harbour police, the lading and unlading of vessels, the safety of merchandize, wares, and effects, the local laws, statutes, and regulations shall be observed.

The Consuls-General, Consuls, Vice-Consuls, and Consular Agents shall be exclusively charged to maintain order on board of the trading vessels of their nation, and shall alone take cognizance of any questions which may arise between the captain, the officials, and the sailors; and particularly of such as relates to pay, and to the fulfilment of mutual agreements.

The local authority shall interpose only in cases when the disorder on board is such as to disturb public order on land and in the port, or when a native of the country of the port, or one not belonging to the crew, is implicated in such disorder.

Crimes and offences designated and punished as such by the laws of the country, committed on board the said vessels in territorial waters, shall be within the exclusive competence of the local jurisdiction.

In all other cases the authorities of the nation shall confine themselves to giving protection and help to the Consuls and other Consular functionaries when they may require it, and arresting and taking to prison such individuals inscribed in the roll of the crew who, in the judgment of the Consular functionary, may have been in fault with regard to the disorder above mentioned.

The detention, however, of persons so arrested cannot exceed 48 hours.

XIX. The Consuls-General, Consuls, Vice-Consuls, or Consular Agents shall receive from the local authorities every help and support for the pursuit, apprehension, and detention on land or on board, of sailors and other individuals forming part of the crews of trading vessels or vessels-of-war belonging to the country of the Consul, who have deserted within the territory of the nation in which the Consul resides.

To this end they shall apply by writing to the competent courts, judges, and functionaries, and shall demonstrate by the ship's

of the contracting countries, that may be wrecked, stranded, or abandoned on the coasts of the other, shall be directed in Peru by the Consular functionaries of Bolivia, and in Bolivia by the like Peruvian functionaries. The intervention of the local authority shall be confined to maintaining order and guaranteeing the interests of those employed in the salvage and not included in the crews of the wrecked vessels, and insuring the execution of the regulations to be observed for the landing or the outsending of the merchandize saved. In the absence and until the arrival of the Consuls or of the persons deputed by them for the purpose, it shall be the duty of the local authorities to take all the necessary measures for the protection of the individuals and the conservation of the property saved from the wreck.

The intervention of the local authorities in all these cases will not entitle them to collect duties of any sort, except such as the ships of the country would have been liable to in similar cases, and except the reimbursement of expenses occasioned by the salvage operations and the conservation of the property saved.

In case the nationality of shipwrecked vessels is doubtful, the provisions set forth in the present Article shall be within the exclusive competence of the local authorities.

The merchandize saved shall not pay any custom or duty, unless it be deposited in the Customs warehouses, or be destined for consumption in the country.

XXII. The Consuls of one of the two Contracting States in the cities, ports, and places of a third Power, where there shall be no Consul of the other Contracting State, shall afford to the person and property of subjects of the latter the same protection as to the person and property of his own countrymen, in as far as his powers permit, without requiring for this other dues or emoluments than those authorized in the case of his own countrymen.

XXIII. The Consuls-General, Consuls, Vice-Consuls, Consular Agents, their secretaries or clerks, of either of the two nations in the territory of the other, shall enjoy further the rights, prerogatives, exemptions, and privileges stipulated in this Convention, as well as those at present accorded, or which may at a future time be accorded to the Consular Agents of the same rank of the most favoured nation, provided always that such concessions are mutual, and are not at a variance with the stipulations set forth in this Convention.

XXIV. That which is said in the Articles of the present Convention of Consuls in general shall be understood as applying not only to particular Consuls, but equally to Consuls-General, Vice-Consuls, and Consular Agents, whether exercising their functions normally, or ad interim or casually, unless the context clearly

indicates that it has been intended to limit the provision to Consular functionaries of a certain category.

XXV. The present Convention shall be binding upon the two Contracting Republics for the term of ten years, reckoned from the day on which the ratifications are exchanged. If neither of them, however, shall inform the other by an express notification a year previous to the expiration of this term of its intention to terminate the Convention, the same shall remain binding upon both parties up to a year after the date on which such a notification shall have been made by one of them.

XXVI. This Convention shall be ratified by the Governments of the two Republics upon its being approved by their respective Congresses, and the ratifications shall be exchanged in Lima or in Sucre within the shortest time possible.

In witness whereof their Plenipotentiaries have signed and sealed in duplicate with the Secretary de la Negociacion in Lima, on the 26th day of the month of July, in the year of Our Lord 1870.

(L.S.) JOSÉ JORGE LOAYZA.

(L.S.) JUAN DE LA CRUZ BENAVENTE.

*SPEECH of the German Emperor, on the Opening of the Prussian Landtag.—Berlin, January 16, 1876.*

(Traduction.)

ILLUSTRES NOBLES ET HONORABLES MESSIEURS DES DEUX  
CHAMBRES DU LANDTAG !

SA Majesté l'Empereur et Roi a daigné me charger d'ouvrir en son auguste nom le Landtag de la monarchie.

Les prescriptions constitutionnelles pour la convocation du Landtag et les exigences impérieuses de la législation de l'Empire ont rendu nécessaire, cette année encore, une activité simultanée des corps représentatifs de l'Empire et du pays. Le dévouement et la sagesse du Landtag trouveront le moyen, malgré les difficultés existantes, d'avancer le plus possible, en s'y prenant sans retard les différentes tâches de la nouvelle session.

La pression qui pèse sur le commerce et l'industrie n'a pas encore cessé chez nous non plus, au regret du Gouvernement de l'État. Avec les bases saines sur lesquelles, malgré les écarts qui ont eu lieu, s'appuie l'industrie nationale, on peut espérer fermement que l'application laborieuse et la force active, de tout temps éprouvée, du peuple Prussien réussiront à surmonter prochainement les difficultés de la situation présente et feront refleurir le commerce et l'industrie.

Les recettes de l'État pour l'année 1876 n'ont pas dû, il est vrai,

être calculées aussi haut que dans les dernières années, mais les ressources suffisent pour faire administrer l'État de la même manière que jusqu'ici, et non seulement pour élever, dans plusieurs services, les allocations destinées à favoriser les intérêts intellectuels et le progrès de la prospérité générale, mais aussi pour faire convenablement avancer, dans toutes les branches des travaux publics, les nombreuses et grandes entreprises qui ont été commencées en se fondant sur les allocations des dernières années.

Le projet de loi du budget de l'État vous sera présenté sans retard.

Les lois votées dans la précédente session, par lesquelles a été créé un système très étendu de self-administration communale, et qui ont établi en même temps la participation de la représentation provinciale aux affaires de la représentation générale du pays, sont depuis lors entrées en vigueur. Dans cinq provinces les nouvelles Diètes Provinciales viennent d'être réunies, et les premières marques de l'esprit qui a prévalu parmi elles confirment la confiance que les nouvelles institutions se développeront à l'avantage du pays.

Un pas nécessaire encore dans la voie où nous sommes entrés sera fait en réglant d'une manière précise et claire la compétence des autorités de l'État nouvellement créées dans les différents ressorts de l'administration générale du pays et dans le contentieux administratif,—ainsi qu'en fixant la compétence qui doit encore être ultérieurement attribuée aux nouveaux organes, pour obtenir un développement harmonique de l'administration intérieure de l'État. Conjointement à la réforme générale administrative, et pour faire entrer l'administration des villes dans le système d'ensemble des institutions nouvellement créées, il est nécessaire de modifier radicalement l'organisation municipale dans les provinces où les nouvelles lois sont introduites.

La capitale Berlin, en vertu de la loi qui a fixé la nouvelle organisation provinciale, ayant été placée en dehors de l'union communale de la province de Brandebourg, on doit songer immédiatement à la formation, réservée par la loi, d'une union communale particulière se composant de la ville de Berlin et des territoires limitrophes.

Les projets de loi pour l'exécution de ces nouvelles tâches vous seront sans doute présentés prochainement.

Le projet d'une loi générale pour les routes doit être soumis de nouveau à votre examen.

Vous recevrez aussi plusieurs projets de loi ayant pour but d'appliquer aux nouvelles provinces les principes de la législation agricole dont les heureux effets dans les anciennes parties de la monarchie sont prouvés par une longue expérience.

Dans les provinces de l'Est le besoin s'est fait sentir de simplifier

les prescriptions législatives sur la fondation d'établissements et conjointement sur la répartition des taxes publiques.

La situation légale des ouvriers agricoles et forestiers n'est pas suffisamment réglée par la loi. Pour combler cette lacune de la législation dans la mesure que les inconvénients de l'état de choses actuel rendent nécessaire, un projet de loi vous sera présenté qui se tient dans les limites des principes de la législation analogue de l'Empire.

Comme complément de la législation pour la garde des forêts, de nouvelles prescriptions doivent assurer la surveillance des forêts qui sont la propriété de communes et d'établissements publics.

Par les délibérations du Synode-Général extraordinaire que Sa Majesté le Roi, comme le plus haut chef du régime évangélique, avait convoqué, l'Église Évangélique des huit anciennes provinces de la monarchie a fait un pas important pour arriver à se donner une constitution indépendante.

Mais le règlement synodal-général, aussi bien que le règlement synodal de 1873, a besoin de la sanction législative pour un certain nombre de dispositions. Un projet de loi sur ce sujet vous sera soumis au plus tôt. Vous réglerez en même temps les droits de surveillance nécessaires de l'État sur l'Église Évangélique de notre pays.

Le Gouvernement de Sa Majesté a cette ferme confiance dans les deux Chambres du Landtag qu'elles concourront volontiers pour leur part à assurer à l'Église Évangélique de Prusse, après de longues luttes, la forte et indépendante organisation dont elle a besoin pour remplir complètement sa haute tâche.

Il est également nécessaire d'établir les droits de surveillance de l'État par rapport à l'administration des biens de l'Église dans les diocèses catholiques, en tant que la loi relative à l'administration de ces biens dans les paroisses catholiques n'ait pas déjà de dispositions à cet égard. Les travaux préliminaires pour un projet de loi répondant à ce but sont près de leur terme.

Messieurs! Vous avez devant vous vraisemblablement la dernière session d'une période de législature qui, grâce à l'action commune et confiante des deux Chambres du Landtag et du Gouvernement de Sa Majesté, a déjà donné d'importants résultats du travail législatif. Puisse cette dernière session faire mûrir encore d'autres fruits de ce même effort commun, pour la prospérité du pays et l'heureux développement de ses institutions!

Au nom de Sa Majesté l'Empereur et Roi je déclare ouverte la session du Landtag.

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*SPEECH of the German Emperor, on the Opening of the Reichstag.—Berlin, October 30, 1876.*

(Traduction.)

HONORÉS MESSIEURS !

SA Majesté l'Empereur a daigné me charger de vous souhaiter la bienvenue au nom des Gouvernements Confédérés, en ouvrant la quatrième et dernière session de la période de législature courante,—et en même temps de vous exprimer le vif regret de Sa Majesté de ce qu'il ne lui ait pas été possible de donner suite à l'intention qu'elle avait eue d'abord d'ouvrir en personne le Reichstag.

Les affaires dont la solution est attendue dans la session qui commence ne sont pas nombreuses. Mais vos prochaines délibérations ne le céderont pas en importance à celles des sessions précédentes.

Votre activité parlementaire sera principalement réclamée pour la discussion des projets de loi sur l'organisation judiciaire, sur la procédure dans les procès civils et en matière pénale,—et pour celle aussi d'un projet de règlement des faillites.

La nation attend avec une juste impatience que soit résolue la question de savoir si l'on parviendra à terminer, avant la fin de la présente période de législature, cette œuvre législative si importante, à laquelle on a travaillé depuis plusieurs années déjà.

Les difficultés qui arrêtent l'achèvement de cette œuvre ne manquent pas de gravité. Sur beaucoup de points, quelques-uns très importants, les propositions de la Commission instituée par vous,—particulièrement à l'égard de la loi sur l'organisation judiciaire et de celle sur le règlement de la procédure civile,—s'éloignent essentiellement des résolutions adoptées par les Gouvernements Confédérés.

Si néanmoins les Gouvernements Confédérés sont fermement convaincus de l'heureuse solution de la grande tâche qui est présentée à la nouvelle session relativement aux lois judiciaires, ils puisent cette conviction dans la confiance où ils sont que vous, très honorés messieurs, vous ne perdrez pas de vue, en discutant ces projets, l'intérêt d'une administration de la justice sûre et sans entraves, protégeant efficacement le bien public. Les Gouvernements Confédérés peuvent espérer que le Reichstag ne voudra pas refuser son assentiment à ce qu'on doit reconnaître comme indispensable dans le sens qui vient d'être indiqué.

La fixation nouvelle de l'année budgétaire pour le Budget de l'Empire,—adoptée dans la dernière session,—rend nécessaire d'établir un budget particulier pour la période de temps du 1<sup>er</sup> Janvier au 31 Mars, 1877. Ce budget, pour lequel celui de l'année courante a essentiellement servi de base, vous sera présenté.

Des accidents déplorables dont, en ces derniers temps, des navires Allemands ont été victimes, plus fréquemment que par le passé, ont

*FRENCH NOTIFICATION of the Denunciation by Venezuela of the Treaty of Commerce with France of March 25, 1843,\* of the Consular Convention of October 24, 1856,† and of the Treaty of Extradition of March 23, 1853.‡—Paris, June 6, 1876.*

DANS une note adressée, le 31 Mars, 1876, au Consul-Général et Chargé d'Affaires de France à Caracas, le Gouvernement Vénézuélien vient de déclarer, en termes formels, qu'il considère comme définitive la dénonciation qu'il a faite, en 1869, du Traité d'Amitié, de Commerce, et de Navigation du 25 Mars, 1843, ainsi que des autres actes (Convention Consulaire et Traité d'Extradition) qui le liaient à la France.

En présence de cette déclaration, on croit devoir faire connaître au commerce Français qu'il n'est plus en droit de revendiquer, au Vénézuéla, le bénéfice des clauses insérées dans les actes internationaux précités.

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*TREATY of Friendship, Commerce, and Navigation between Denmark and the Dominican Republic.—Signed at Ste. Croix, December 17, 1851.§*

[Ratifications exchanged February 2, 1853.]

(Translation.)

HIS Majesty the King of Denmark and the President of the Dominican Republic, being desirous of facilitating and extending the commercial intercourse established for some time past between both dominions, have resolved to celebrate a Treaty of Friendship, Commerce, and Navigation, based upon the principle of the most perfect reciprocity.

They have for this purpose named as their respective Plenipotentiaries, that is to say :

His Majesty the King of Denmark, Mr. Hans Ditmar Frederick Feddersen, Knight of the Order of Danebrog, and Governor of his Colonies in the West Indies ;

And the President of the Dominican Republic charged with

\* Vol. XXXIII. Page 694.

† Vol. XLVII. Page 759.

‡ Vol. XLVIII. Page 854.

§ Modified July 26, 1852. See page 1075.

to arrange their cargoes, without paying for this any duties; always understood, that the goods be re-exported on account of the owner and in the same ship; or, in case of the ship having been condemned, in any other vessel.

VII. Both nations having agreed to treat each other on the footing of the most favoured nation, they bind themselves formally in all that concerns commerce and navigation to extend instantaneously the favours, privileges, and immunities, of whatsoever class they may be, which are granted, or shall hereafter be granted, to any other nation, likewise to the subjects or citizens, Danish or Dominican respectively, gratuitously, if the concession in favour of that other nation shall have been gratuitous, or by virtue of a compensation, possible and proportional, if the concession shall have been conditional.

VIII. When passing through the Sound and the Belts, the Dominican vessels and their cargoes shall be treated and shall pay the same dues as the most favoured nations.

IX. It shall be free for each of the Contracting Parties to appoint Consuls for the protection of commerce in the ports and cities within the dominions of the other; but these Consuls cannot enter upon the exercise of their functions before they have obtained the exequatur of the Government of the country where they are to reside.

The Diplomatic Agents and the respective Consuls shall enjoy the same rights, privileges, immunities, and exemptions which are or shall be granted to the Diplomatic Agents and Consuls of equal rank of the most favoured nation.

X. The men-of-war of each of the two Powers are allowed to enter, stay, and to careen in those ports of the other in which shall or may hereafter be permitted the access of those of the most favoured nation, and shall be subjected to the same regulations, and receive the same honours, advantages, privileges, and exemptions.

XI. The subjects of His Danish Majesty in the territory of the Dominican Republic shall not be disturbed, persecuted, nor molested on account of their religion; on the contrary, they shall have the most absolute liberty of conscience, and they shall be permitted to worship in their own houses or particular chapels.

They shall also have the right to bury in burial places, which they may establish and maintain, such subjects of His Danish Majesty who may die in the territory of the Republic. In like manner the citizens of the Dominican Republic shall enjoy within all the Danish dominions the greatest liberty of conscience, and may exercise their worship in their own private houses or in chapels, or in other places of divine worship.

XII. The vessels, cargoes, merchandize, or effects, belonging to



the subjects or citizens of one of the Contracting Parties, shall not be laid under an embargo; nor shall they be detained for military service, nor for any other use whatsoever, unless the parties therein concerned shall have previously agreed upon an indemnification proportionally adequate to cover the damages, losses, demurrages, and prejudice, which were occasioned in consequence of the public service upon which they may have been employed.

XIII.\* In case one of the two countries should be engaged in war with another Power, nation, or State, the citizens of the other may continue their trade and navigation with the same States, excepting only the ports and places that are blockaded, or are under a state of siege; but this liberty of trade and navigation shall not extend to goods reported as contraband of war, fire-arms, weapons, projectiles, powder, saltpetre, articles of military equipment, and all other articles proper for war.

XIV.\* There shall be considered as Danish in the ports of the Republic, and as Dominican in the Danish possessions, all vessels that *bonâ fide* shall belong to the citizens of one of the two countries, and be navigated under their respective flags, having on board the papers of navigation and documents requisite by the laws of each of the States, as proof of the nationality of the merchant-vessels.

XV. In order that the two parties may have the opportunity of hereafter treating and regulating other Conventions that may tend still further to increase their commercial relations and the protection of their reciprocal interests, it is agreed that the present Treaty shall remain in force during ten years, counting from the date of the exchange of the ratifications; and either of the two parties shall have the right of notifying to the other its intention of terminating its effects at the expiration of the ten years or later, in which case the present Treaty will continue obligatory for both parties till 12 months shall have elapsed after the notification of their intention, as aforesaid.

XVI. The present Treaty shall be ratified, and the ratifications shall be exchanged at Santo Domingo, within the space of 12 months, or sooner if such be possible.

In witness whereof, the respective Plenipotentiaries have signed the same, and have affixed thereto their seals.

Done in Ste. Croix, the 17th December, 1851.

(L.S.) F. FEDDERSEN.

(L.S.) S. ROTHSCHILD.

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\* Modified. See page 1076.

*DOMINICAN DECREE, accepting the Modifications introduced on the 26th of July, 1852, into the Treaty of Commerce and Navigation with Denmark of the 17th December, 1851.\**  
—Santo Domingo, January 29, 1853.

GOD! COUNTRY! LIBERTY!

THE Dominican Republic National Congress,

By virtue of the Message of the President of the Republic, dated the 25th instant, and his Decree of the same date, to assemble the Congress on an extraordinary session on the 26th of the same month, for the object of taking into consideration and to resolve upon the slight modifications which have been made to the Treaty with His Majesty the King of Denmark:

Considering, 1st. That the causes expressed in both documents have been appreciated in high degree by the National Congress, as this has been manifested unanimously. 2nd. That, by the Report of the Committee named for the purpose, it appears under the same conception, that the rectifications made to Articles III, IV, VI, XII, XIII, and XIV, do not alter the interests of the nation; decrees:—

ART I. The modifications made to the aforesaid Articles of the Treaty of Peace, Friendship, and Commerce, as stipulated on the 17th December, 1851, between the Republic and His Majesty the King of Denmark, sanctioned by the Congress on the 13th April, 1852, are herewith approved of; which modifications are as follows:—

To Article III, at the end, is to be added, "The right of entering into the Danish ports, which the said Article concedes to the Dominican vessels, does not comprehend the privilege of trading between Denmark and its Colonies."

In Article IV are to be suppressed the words "on that ground." To Article VI shall be added, "or of entering during the winter."

The last paragraph of the same Article is to be altered in the following manner: "It will be allowed that the goods which form their cargoes are deposited on shore, without paying for this any duties, provided always that they are to be re-exported for account of the same owner in the same vessel. But in case the vessel be condemned, and that the cargo should be re-exported for account of the same owner in some other vessel belonging to one of the ports in Denmark, the cargo shall be subjected to transit duties, always provided that such duties be established by tariff; but if this case should happen in some of the ports within the possessions of His Majesty the King of Denmark, in the West Indies, the cargo will not be liable to

\* Page 1070.

any duties, and shall only pay the duties of navigation. The same rule shall be observed in the case that a cargo imported by a Danish vessel into a Dominican port be re-exported for account of the same owner in any other vessel, in case the vessel in which the cargo was imported should have been condemned."

To Articles XII, XIII, XIV, shall be added before the word "citizen," "subjects or."

Resolved, therefore, that the National Congress in the name of the Dominican Republic consents and sanctions definitively the aforesaid Treaty with the foregoing modifications, as already consented to by the Plenipotentiaries of both nations on the 26th July, 1852, and ratified by His Majesty the King of Denmark the 31st of October of the same year; and the same will be sent to the Executive Power for its promulgation within the constitutional term.

Given at Santo Domingo, the capital of the Dominican Republic, the 29th January, 1853, and 9th of the country.

J. B. LOVELACE, *President of Congress.*

ANDRES AYBAR, FELIX MORILLA, FELIPE PERDOMO,  
*Secretaries.*

Be it executed, made known, and circulated in the whole territory of the Dominican Republic.

Given in the National Palace of Santo Domingo, the 31st January, 1853, 9th year of the country.

BUENAVENTURA BAEZ, *President.*

P. E. PELLETIER, *Minister of the Interior, Police,  
and Foreign Relations.*

### *SPEECH of the President of Mexico, on the Opening of Congress.—Mexico, April 1, 1876.*

(Translation.)

CITIZEN DEPUTIES AND SENATORS!

THE meeting of Congress on the days designated by the fundamental law is always an event worthy of being celebrated. It is not only in normal times a new evidence of the regular march of the institutions, but, when any disorder occurs, it is a new proof that the observance of the laws will be maintained, the only means of insuring the prosperity and progress of society.

It is very satisfactory that Congress opens the second period of its sessions, in which, besides giving attention to what may require legislative action, it will have to devote itself, with the preference

which the Constitution establishes, to the examination of the annual budget, so important in relation to all the branches of the public service.

The international relations which Mexico cultivates are happily preserved in the greatest harmony. Conducting itself in everything with equity, the Government will take care to maintain and extend these relations in a spirit of cordial good-will.

In conformity with the Convention of the 4th of July, 1868,\* the Mixed Commission established in Washington has finished its labours. Their final result cannot as yet be known, as the Commission having disagreed in many cases, it has been necessary to submit their opinions to the decision of the arbiter, whose duties will terminate next June.

In internal affairs there is to be lamented the fact that the public peace in certain localities has been disturbed. This occurred just when it was possible to assure the public that the bands existing in Michoacan for a year past were destroyed to such an extent that the events in other places have not been sufficient up to the present time to revive them.

With some exceptions, the same persons who have already taken part in various other disturbances of the public order figure among the revolutionists. Neither laws of amnesty for past acts, nor the full enjoyment of social rights and guarantees, nor even the kindness with which they have frequently been treated, have been sufficient to restrain them from seeking to place themselves above the laws.

The Government has not only a strict duty to perform in combating the rebellion under all circumstances, but it has also a firm conviction that the time has passed in which those who appealed to the force of arms could prevail, a conviction in favour of respecting the laws being now general, as also the good disposition of the labouring and respectable citizens, who know how to appreciate the benefits of peace obtained through the enjoyment of a just liberty. With the efficient aid of the representatives of the people and the co-operation of the State authorities, it will be possible in a short time to repress the recent disturbances, as has been lately done in certain places, by the discipline, the valour, and loyalty of the national army, which has given so many proofs of its republican virtues.

The Executive has demonstrated his desire to use as little as possible the power which Congress thought proper to concede to him. In regard to supplying men for the army, far from its increase, he resolved upon its diminution, and had commenced to carry it into effect when the insurrection of the Sierra of Oaxaca occurred, which was developed from incidental causes. In respect to public expenses,

notwithstanding their considerable increase in order to combat the revolutionists of Michoacan during one year, by means of strict economy the idea of new contributions was not entertained until circumstances made the imposition of a tax inevitable, which it was sought to make just in its basis, and in the manner of collecting it.

In spite of the obstacles occasioned by circumstances, improvements of public interest already commenced have been carried on as far as said obstacles would permit. Care has likewise been taken to give attention as far as possible to the different branches of the public service.

The constant conduct of the Government has been well known, protecting the exercise of every liberty and respecting all opinions. It can be affirmed that the emission of ideas, especially by the press, has never had greater freedom. With the firm purpose of complying with the laws, and of causing them to be obeyed, the Government will omit no means whatever which may have for their object the protection of the liberty of the people in the legitimate exercise of all their rights.

It is very pleasant to see the National Congress assembled anew, which, animated as ever by patriotism, will endeavour to act in its deliberations with the most exalted intelligence for the public good.

[SEBASTIAN LERDO DE TEJADA.]

*SPEECH of the President of Mexico, on the Opening of Congress.—Mexico, September 16, 1876.*

(Translation.)

CITIZEN DEPUTIES AND SENATORS!

In compliance with a constitutional precept, to-day, the anniversary of our Independence, you may inaugurate the third term of your ordinary session.

This event, which under all circumstances has a special significance, is at present of greater importance, because it reveals the power of our institutions over armed rebellion, strengthening the conviction that the nation will know how to surmount all obstacles that may be opposed to her progress and well-being, without doubts for the present and without fears for the future.

Our relations with the friendly foreign Powers have continued in the greatest harmony, it being a source of satisfaction that they are maintained and each day strengthened, cultivated as they are in a spirit of justice and cordial good-will.

On the termination in January of this year of the labours of the Mixed Commission, created in Washington by the Convention of the 4th of July, 1868,\* numerous claims remained pending, which, on

account of the disagreement of the Commissioners, were remitted to the arbiter for his decision. As the stipulated time for the latter was relatively short, it was indispensable to agree to a prolongation, which was adjusted in April and will terminate next November.

Although as yet it is impossible to know the full result of the decisions of the Commission and the arbiter, it can be stated that of the enormous sum of 550,000,000 dollars claimed of Mexico, the hundredth part will not be recognized.

It is pleasing to be able to manifest to Congress that our modest representation in the Exhibition of Philadelphia has been duly appreciated, surpassing what might have been expected owing to the difficulties of our situation. If Mexico has not sent to the Exhibition all that we might have desired, nor that which under ordinary circumstances could have been sent, at least there have been presented in it a few of the evidences of our social advancement, of our industry, and of our valuable natural products, thus stimulating the greater development of our export commerce, of our agriculture, and of our national industry.

The inability to state on this important occasion, as in former epochs, that peace is assured throughout the whole extent of the Republic, is to be regretted. Nevertheless, some consolation for so great a calamity is found in being able to inform Congress that all guarantees have been respected, that the most absolute liberty has existed in every sense without limit, and that the repressive laws, notwithstanding the dangers of the situation, have not been practically applied, except in very rare cases and with full justice.

The disastrous consequences of civil war, so sad for society, the forces of which are completely enervated; and so injurious to the public administration, whose elements and resources, at all times insufficient, are diminished in a great measure by the disturbance of order at the same time that its necessities are multiplied, are to be deplored.

The financial question has at all times been one of those which has most seriously occupied the attention of the Administration. Although it was far from being resolved in former years by a series of administrative measures and with the aid of Congress, a positive advance leading to the important object of regulating the expenses of the Administration, equalizing the receipts and disbursements, had been secured.

These hopes have been postponed by the rebellion, as has been the accomplishment of many internal improvements. Nevertheless, the efforts of the Executive to preserve some works of public utility and to continue as far as possible others, are well known. The telegraph-lines that extend over the territory of the Republic, and which are as useful for the administrative service as necessary to



commerce and all social relations, have been under constant repair in some places, and completely replaced in others.

During the times of trial for the Mexican nation the qualities of her sons are elevated. Acknowledgment is due to the valour, discipline, and civic virtues of the army, which with abnegation and patriotism, struggling with discomforts of the season, and at times without the necessary elements, has loyally complied with its duty, holding high the banner of our republican institutions, and making a true religion of the respect which all of us owe to the law. It has been seconded in this noble task by the corps of the rural police, with a constancy, activity, and valour indeed laudable.

Our revenue-cutters, although insufficient on account of their limited number, have commenced to render efficient service. Small, indeed, is the sum invested in them, considering the frequent and serious damages that revolts usually cause in some of our ports, and which those vessels have contributed to prevent; having been also employed in the transportation of troops and elements of war, as well as in several military operations, which, by their co-operation, have been crowned with success.

The present rebellion is the same that has been combated and conquered in former years. The foreign intervention having been defeated and the Republic restored, our institutions remained assured, with all the principles established with them. Since then the cause of the disturbers has been simply that of satisfying personal ambitions; at times without mask, and at others disguised in the garments of the Constitution, they have been for eight years trying to destroy it, breaking every social tie, trampling upon all legitimate interests, and perpetrating offences that can never be justified in the eyes of the civilized world, not even by the necessities of the time.

Fortunately the nation, that loves the institutions she has created, and that relies on them to assure her future, will know how to preserve them without a stain. The present rebellion has been successfully combated—it being impossible to doubt its termination—by the general good disposition of the people, who condemn it. The Executive being guided by these sentiments, and relying on the co-operation of all good Mexicans, will continue to make every effort to insure a solid and permanent peace.

It is very satisfactory that you again unite, Citizen Deputies and Senators, for the purpose of resolving upon, with your patriotic zeal and enlightened legislation, whatever may be necessary for the welfare and prosperity of the Republic.

[SEBASTIAN LERDO DE TEJADA.]

*MEXICAN DECREE, amending the Constitution of the Republic.—Mexico, November 6, 1874.*

(Translation.)

SEBASTIAN LERDO DE TEJADA, Constitutional President of the United Mexican States, to all their inhabitants greeting:

Know ye that the Congress of the Union has decreed the following:—

The Congress of the Union, in the exercise of the faculty which Article 127 of the Federal Constitution grants to it, declares that the amendments which are hereafter expressed are approved by a majority of the Legislatures of the States, and are a part of the said Constitution. These amendments shall take effect on the 16th of September of the year 1875.

TITLE III.

*Section First.—Of the Legislative Power.*

51. The legislative power of the nation is invested in a general Congress, which shall consist of two Chambers—one of the Deputies, the other of the Senators.

*Paragraph I.—Of the Election and Installation of Congress.*

52. The Chamber of Deputies shall be composed of representatives of the nation, elected, in their totality, every two years by the Mexican citizens.

57. The duties of Deputy and Senator are incompatible with any commission or employment whatever of the Union for which a salary is received.

58. The Deputies and Senators proper, from the day of their election up to the day in which their trust is concluded, cannot accept any commission or employment by appointment of the Federal Executive, for which salary is received, without the previous licence of their respective Chamber. The same requisite is necessary for Deputy and Senator substitutes, when in the exercise of their functions.

(A.) The Senate shall be composed of two Senators for each State, and two for the Federal district. The election of Senators shall be indirect in the first grade. The Legislature of each State shall declare elected whoever shall have obtained an absolute majority of the votes cast, or it shall elect from those who shall have obtained a relative majority in the manner which the electoral law prescribes. For each Senator proper there shall be elected a substitute.

(B.) One-half of the Senate shall be renewed every two years. The Senators appointed in the second class shall vacate their seats at



the end of two years, and in the succeeding two years the earliest elected.

(c.) The same qualification shall be required for a Senator as for a Deputy, excepting that of age, which shall be 30 years completed on the day of the opening of the sessions.

59. The Deputies and Senators are inviolable for their opinions expressed in the discharge of their trust, and shall never be called to account for them.

60. Each Chamber shall decide with regard to the election of its members, and determine the doubts that may occur regarding them.

61. The Chambers can neither open their sessions nor exercise their duties without the presence, on the part of the Senators, of two-thirds, and on the part of the Deputies of one-half of the total number of their members; but those present of either body can assemble on the day fixed by law, and compel the attendance, under the penalties which the same law prescribes, of the absent members.

62. Congress shall hold in each year two ordinary sessions: the first, which can be prolonged for 30 working days, shall commence on the 16th of September, and terminate on the 15th of December; and the second, which can be prolonged for 15 working days, shall commence on the 1st of April and terminate on the last day of May.

64. Every Resolution of Congress shall have the character of a Law or Decree. Laws and Decrees shall be communicated to the Executive, signed by the Presidents of both Chambers and by a Secretary of each one of them, and shall be promulgated in this form: "The Congress of the United Mexican States decrees." (Text of the Law or Decree.)

*Paragraph II.—Of the Introduction and Passage of Laws.*

65. The right of initiating Laws or Decrees belongs—

- (1.) To the President of the Union.
- (2.) To the Deputies and Senators of the general Congress.
- (3.) To the Legislatures of the States.

66. The initiatives presented by the President of the Republic, by the Legislatures of the States, or by deputations from the same, shall pass immediately to a Committee. Those which the Deputies or Senators may present shall be subject to the action which the rules of debate prescribe.

67. Every Project of Law or Decree which shall be rejected by the Chamber in which it originated, before passing to a revision, cannot be presented again in the sessions of the year.

69. The day before the last of the first period of sessions, the

Executive shall present to the Chamber of Deputies the Estimates of the coming year and the accounts of the last year. Both shall pass to a Committee of five representatives appointed on the same day, to whom shall belong the duty of examining said documents, and presenting a report on them at the second session of the second term.

70. The enactment of Laws and Decrees can commence indiscriminately in either House, with the exception of Projects which relate to loans, taxes, or imposts, or the recruiting of the troops, all which must be discussed first in the Chamber of Deputies.

71. Every Project of Law or of Decree, whose resolution may not belong exclusively to one of the two Chambers, shall be discussed successively in both, the rules of debate being observed in the form, intervals, and mode of proceeding in the discussions and votes.

(A.) A Project having been approved in the Chamber in which it originated shall pass for discussion to the other Chamber. If this Chamber shall approve it, it shall be remitted to the Executive, who, if he shall have no observations to make, shall publish it immediately.

(B.) Every Project not returned with observations to the Chamber of its origin within ten working days shall be regarded as approved by the Executive power, unless, during this period, Congress shall have closed or suspended its sessions; in which case the return must be made on the first working day after it shall have reassembled.

(C.) The Project of Law or Decree rejected in whole or in part by the Executive must be returned with his observations to the Chamber of its origin. It must by it be discussed *de novo*, and if it be confirmed by an absolute majority of votes, it shall pass again to the revising Chamber. If it be sanctioned by it with the same majority, the Project is a Law or Decree, and shall return to the Executive for its promulgation. The votings upon a Law or Decree shall be *vivâ voce*.

(D.) If any Project of Law or Decree be rejected *in toto* by the Chamber of revision, it shall return to the one of its origin with the observations which the former may have made upon it. If, being examined *de novo*, it be approved by an absolute majority of the members present, it shall return to the Chamber which rejected it, which shall take it again into consideration, and if it be approved by the same majority, it shall pass to the Executive, to be acted on according to the provisions of Part A. But if it be rejected, it cannot be presented again until the following sessions.

(E.) If a Project of Law or Decree be rejected only in part, or modified or amended by the revising Chamber, the new discussion in the Chamber of its origin shall relate solely to the part rejected,

improving the traffic of the States with each other and with foreign nations, besides extending to the coast the benefits of the agricultural and mining development of the centre, you are aware that the last four Congresses have recommended, almost unanimously, its construction, that several State Assemblies have adopted the idea with enthusiasm, and that the powers which you yourselves gave in your last session are the best reasons for making use of them. Under these circumstances I have resolved to commence the undertaking and have contracted for it with a national company, formed for the purpose under the conditions which you will find in the agreement on the subject.

Thus room is left for reforms which prove to be necessary. Contracts by the lump have been avoided in cases where insufficiency of data could prompt exorbitant demands on the part of constructors. The direction of the enterprise has been placed beyond any official complication and any possible administrative inexperience. At the same time there has been reserved for the Government a share in the enterprise sufficient to prevent its becoming a source and focus of injurious influences, or a concern practically privileged to reap exorbitant profits at unduly high tariffs of transport. Finally the work has been rendered, once for all, independent of political vicissitudes and of the changes in the views or in the staff of the Government.

In the contract the option of acquiring the entire ownership of the work has further been reserved to the nation, and as to the public funds employed on it, according to the contract, they are those arising from the net produce of the salt-works; that is, those yielded by a contribution which has been hitherto, and will continue to be, paid only by those States which are chiefly benefited by the railway.

For the rest, the company is constituted upon the basis of patriotism, and pecuniary gain will accordingly not be its sole object. The moderate price of its shares will make it accessible to all classes and interests in harmony with its end, for which, while, as a national grand jury they watch over the economical and profitable employment of the property of the Republic staked in the work, we may obtain the skill, experience, and capital which we must seek abroad.

The problem thus resolved in the manner least burdensome and compromising to the country, you will judge whether, in the way this has been done, the inevitable exigencies of such an important undertaking have been reconciled with the just susceptibilities of patriotism, and whether the Government has kept the work above every petty interest actual or contingent, giving up, as it has done, to a national company, the influence and the resources which a

ever your decisions may be they will always be obeyed by the Executive Power.

Bogotá, February 1, 1875.

S. PEREZ,

JACOBO SÁNCHEZ, *Secretary for the Interior  
and for Foreign Affairs.*

AQUILEO PARRA, *Secretary for Finance and  
Fomento.*

NICOLAS ESGUERRA, *Secretary of the Treasury  
and National Credit.*

B. SANTODOMINGO VILA, *Secretary for War  
and Marine.*

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